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LEGAL NOTICE

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REPUBLIC OF VANUATU
THE PHYSICAL PLANNING ACT [CAP.193]

NOTICE OF ZONING AND DEVELOPMENT CONTROL PLAN

Notice No. 38 of 2025

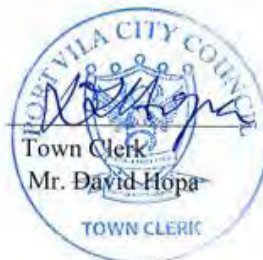
IN ACCORDANCE with section 3 (6) of the Physical Planning Act Amendments N0. 26 of 2021 CAP 193, the Port Vila City Council hereby declares that the '**Zoning and Development Control Plan for Port Vila City Council**' is completed.

As specified in Section 3(6)(a) the Port Vila City Council and the Department of Urban Affairs and Planning has prepared the Zoning and Development Control Plan for Port Vila City Council declared 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 Port Vila City Council town Hall and the Department of Urban Affairs and Planning (DUAP) within the Ministry of Internal Affairs

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

Signed on the 9th day of June 2025 at Port Vila City Council.





Zoning and Development Control Plan

The Scheme

For Port Vila City Council

2025

Preamble

The Physical Planning Act of 1986 (Cap. 193) as revised in 1988, requires that a Council (e.g. Port Vila City Council or PVCC and referred to in this document as “the Council”) prepares a plan for any Physical Planning Area (Section 2) to “*specify those areas in which the Council is prepared to consider applications for specified kinds of development*” and to gazette such plan (Section 3). The whole of the Council area is defined as a Physical Planning Area.

“*Development*” (Section 1) 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 specifically includes demolition and/or excavation.

No person shall carry on development in a Physical Planning Area, except as specified, without having first received permission in writing from the council (Section 4). An application for development shall be made to the Council in such form and containing such information as the Council may specify (Section 5).

Such a Zoning and Development Control Plan hereafter called the “Scheme” is required to:

- Promote orderly and planned development within a community by preventing conflicting land uses and maintaining the overall character of an area
- Guide the physical development of the area based on the Council’s vision and/or specific national and urban policies
- Incorporate hazard data to address climate change, reduce disaster risk, increase urban resilience and promote a safer urban environment
- Specify permitted land uses and provide guidance on acceptable building form, placement, size, height and density.
- Provide residents, public authorities and investors with clarity and confidence about future land use policy

This Scheme consists of this Plan Text and the Plan Maps (Scheme Map and any other included documentation). These should be read in conjunction with any approved Local Planning Strategy.

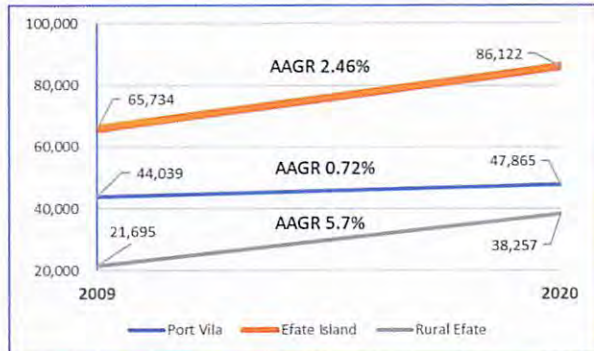
The Scheme divides the City of Port Vila into zones to identify areas for particular uses, and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. The Scheme text also sets out the requirements for development approval, enforcement of the Scheme provisions and non-conforming uses.

The Council under the powers conferred by the Physical Planning Act of 1986 (Cap. 193) makes the following Scheme.

Context for a Zoning and Development Control Plan for Port Vila

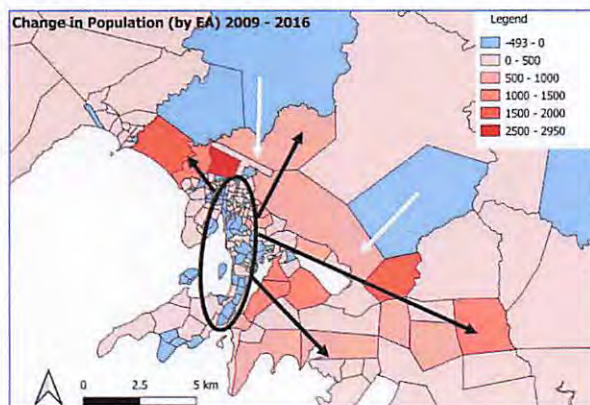
The population of Port Vila was estimated at the time of the 2020 Census to be 47,865 based on the 133 Enumeration Areas (EA) which are contained within its boundaries.

Figure 1 Port Vila and Efate Population (2009 – 20)



There was an increase of 3,556 people from 2009 to 2020 as shown on Figure 1 (Source: VNSO). This equates to an Annual Average Growth Rate (AAGR) of 0.72% in comparison to surrounding areas in Shefa Province, within Greater Port Vila (GPV) which have been growing at some 5.7%. This provides a context for planning in Port Vila given that most of the growth in the wider area has been occurring outside its boundaries for the past decade. This compares with an earlier population of 29,356 in 1999 and a consequent AAGR of over 4% in the Port Vila area between 1999 and 2009 when the area was growing rapidly.

Figure 2 Port Vila Population Movement (2009 – 16)



Recent trends can be seen graphically in Figure 2 which shows population increases (red) and decreases (blue) for the period 2009 – 16. The current situation means that although many of the area's established major facilities (e.g. schools, health facilities and market) and employment are still within Port Vila, an increasing number of people live outside the city's boundaries within Shefa Province. This results in significant traffic congestion during peak work hours and reduced activity at night time. Several small centres have developed outside Port Vila to provide services to this growing population.

This Zoning and Development Control Plan ("the Scheme")

This Scheme has been prepared based on information contained in the following documents:

- Draft Zoning Document and Development Control Plan for Greater Port Vila (GPV) dated 2018 showing broad existing land uses and zones planned at that time.
- Updated Greater Port Vila Resilient Urban Development Strategy and Action Plan (GPV RUDSAP) dated January 2024 which enables quantification of risk to assets and people in the area.
- Census data from 2020 and 2009 to show changing population growth trends over time.
- Legislation relevant to the operation of this Scheme which are listed in Appendix 1.

The following are important operating considerations for this Scheme:

- In the absence of an overall development strategy for Port Vila it is intended to be sufficiently flexible to accommodate development proposals and trends in the short-term until its review ideally in conjunction with the 2030 Census or before that time.
- It is designed to be easy to administer given the limited resources within the Council available to address spatial planning.
- It is intended to provide clear advice and guidance on what development may or may not be approved within the area.

- d) It is designed to ensure that potential hazards are identified and taken into account by those undertaking development within the area.

In the absence of a development strategy the Council is of the opinion that:

- a) The character of central Port Vila should be retained and enhanced which would discourage high-rise developments with an emphasis on increased greening of the central area to lessen flood impacts.
- b) However, Port Vila should remain an important dynamic centre for the region, both during the day and night, which requires that residential (especially low income) land uses (including hotels etc) should particularly be encouraged in the central area.
- c) At the same time, aspiring residents are being priced out of Port Vila, either as house buyers or renters. This requires that the supply of residential land be increased. Given topography, the limited size of the area and extensive low density development, the main means to do that will be to increase densities within the suburbs to make land holding sizes more typical for urban living.
- d) This approach requires a balance to ensure that Port Vila remains as a vibrant centre which will require more dynamic land uses and some redevelopment, but at the same time it does not become over-developed especially given its geographical location and limited access points.
- e) A number of existing sub-centres outside the CBD will now be formalized and zoned to provide alternative locations for commercial and other land uses and thereby take pressure off CBD activities and traffic volumes.
- f) It will be necessary to provide additional infrastructure and facilities to support this increase in population and economic activity. This should be done initially through preparation of an urban development strategy for the Council area and surrounding peri-urban areas.
- g) The zoning plan is prepared without the benefit of an urban development strategy and any insights which such a project might provide as direction and support for this plan.
- h) Zoning designations and subsequent development applications should take into account identified hazards and minimize their risk to the general population and those using approved structures.
- i) Where possible land use decisions should be linked with improved traffic management, especially with regard to reducing conflict with pedestrians.

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PART 1 — PRELIMINARY

1.1 Citation

- 1.1.1 The Zoning and Development Control Plan (ZDCP) of Port Vila, hereafter know as (“the Scheme”) comes into operation on its Gazettal date.

1.2 Responsible authority

- 1.2.1 The Port Vila City Council (PVCC), hereafter known as “the Council” is the responsible authority for implementing the Scheme.

1.3 Scheme area

- 1.3.1 The Scheme applies to the Scheme area, which covers all of the Council area as shown on the Scheme Map. The coverage of the Scheme is shown on Figure 3 for the 5 Wards of Malapoa-Tagabe, Freshwota-Tassiriki, Anabrou-Melcoffee, Central and South.
- 1.3.2 The Scheme area may change over time. Any new areas officially transferred from the authority of Shefa Province to the Council will be incorporated into the provisions of the Scheme.

Figure 3 Scheme Area for Port Vila



1.4 Contents of Scheme

- 1.4.1 The Scheme comprises:
- a) the Scheme Text;
 - b) the Scheme Map (in hard copy and on a GIS base);
 - c) supplementary (Special Control or Local Area Plan) Maps for specific areas or topics when prepared and approved by the Council
 - d) other documentation to guide development such as the revised RUDSAP hazard risk zoning maps as shown in Appendix 2.
 - e) the deemed provisions (set out in the Physical Planning Act of 1986 (Cap. 193) as revised in 1988)
- 1.4.2 The Scheme is to be read in conjunction with any approved Urban Planning Strategy relating to the area.

1.5 Purposes of Scheme

- 1.5.1 The purposes of the Scheme are to:

- a) set out the Council planning aims and intentions for the Scheme area;
- b) set aside land as reserves for public purposes;
- c) zone land within the Scheme area for the purposes defined in the Scheme;
- d) control and guide land use and development;
- e) ensure approved development is appropriate for its location given risks from potential hazards;
- f) set out procedures for the assessment and determination of planning applications;
- g) make provision for the administration and enforcement of the Scheme; and
- h) address other matters set out in the Schedule 7 to the Physical Planning Act of 1986 (Cap. 193) as revised in 1988

1.6 Aims of the Scheme

1.6.1 The aims of the Scheme are:

- a) To promote and safeguard the health, safety, convenience and general welfare of the inhabitants of the area, and to achieve an improved quality of living for the people of Port Vila;
- b) To preserve and enhance the amenities of the area and to manage land uses so as to minimise conflicts between otherwise incompatible uses;
- c) To promote a sense of place and community identity for residents by fostering a distinctive character based on good design principles;
- d) To provide for a variety of development to meet the needs of the community with regard to housing, employment and services, and to facilitate the provision of a wide range of social and cultural experiences within the area;
- e) To promote the development of a Central Business District (CBD) and a number of sub-centres with a wide range of services, including housing, business, commercial, recreational, leisure, entertainment and community facilities;
- f) To promote a safe and energy-efficient pattern and form of development, balancing the needs of development with those of sustainable economic, social and environmental systems;
- g) To improve the means of access into and around the area, and to ensure the safe and convenient movement of people throughout the area, including pedestrians, (motor)cyclists, public transport users and motorists;
- h) To promote sustainable development that integrates consideration of economic, social and environmental goals for the area;
- i) To conserve and enhance the natural environmental and biodiversity attributes of the area by incorporating environmental principles into public and private decision making;
- j) To facilitate and encourage effective public involvement in planning issues of significance to the character, amenity and environmental attributes of the area.
- k) To facilitate and encourage high quality design, built form and streetscapes throughout the area.
- l) To prioritise the protection of life and property from potential risks where areas with an elevated risk from hazards such as earthquakes, flood, tsunami and landslide are being planned for new development having regard to the objectives of retaining native vegetation and biodiversity; and
- m) To protect and enhance areas of prime agricultural production to assist in sustaining their use and economic contribution to the area.

1.7 Key Ingredients of the Scheme

- 1.7.1 The Scheme sets out permitted uses, densities and overall appearance for each plot within the Council boundary. This is done through: Land Use Zoning; R-code density guidance for residential areas; and also the use of Floor Area Ratio (FAR) and Building Coverage Ratio (BCR) to guide on building mass and appearance on plots.

1.7.2 Land Use Zoning

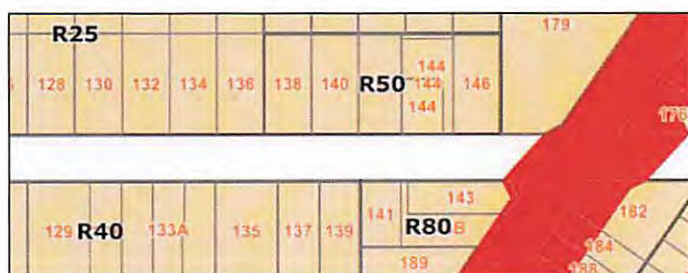
- 1.7.3 Zoning is used to depict the general type of land use that the Council wishes to encourage in that particular area. It is intended to show a preferred future land use which may not necessarily be the current use of the land. Built land uses tend to expand and change over time in response to demand and the Council wishes to encourage a combination of land uses which will serve the needs of the expected population in future until such time as the zoning plan is reviewed and revised.

1.7.4 R-Codes

- 1.7.5 As described in more detail later in this Scheme, R Codes represent the average number of residential units per hectare (10,000m²) which are considered currently appropriate for each neighborhood block or combination of blocks. R Codes may change over time within each neighborhood in response to changing demographics and land use demands. The R Codes can be grouped into low, medium and high-density areas as follows.

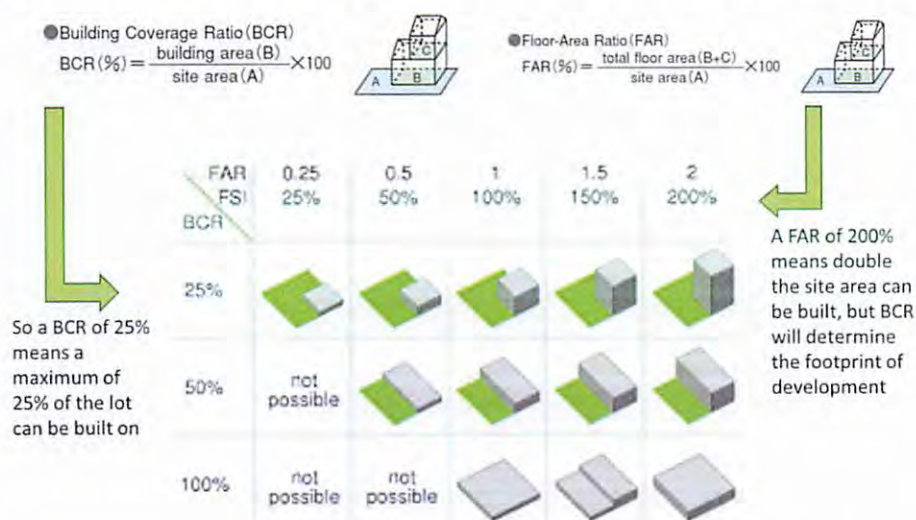
	Low Density	Medium Density	High Density
R-Code	< R30	R30 – R60	>R60

- 1.7.6 The R-Codes will be displayed for each residential area on a cadastral map which shows each numbered plot with its specific zoning classification as shown on the theoretical example below.



1.7.7 FAR and BCR

- 1.7.8 The volume and height of buildings is controlled through FAR and BCR. Their use is primarily intended for the CBD, Local Centers and other major complexes to ensure that development is appropriate for its setting in relation to other development and bearing in mind any potential hazards that may impact the site or its surrounds. Examples of typical ratios for both FAR and BCR are shown below.
- 1.7.9 FAR is the ratio of total building floor area to the area of its zoning lot. A FAR outlines the intensity of the site use, not the height or site coverage. Each relevant area 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 an area with a maximum FAR of 1.0, the floor area on the zoning lot cannot exceed 1,000 square meters.
- 1.7.10 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 down at it from the sky. The BCR is used for securing open space



on the land, supporting on-site drainage, flood control, preventing overcrowding, creating any hazard buffers, plus fire prevention, securing sunlight/ventilation and/or preserving the scenery.

- 1.7.11 Examples of typical ranges for both FAR and BCR by land use are shown below. The actual permitted FAR and BCR will be determined by the Council with regard to individual site conditions, the relationship of any development with the surrounding streetscape and having regard to its overall policies for promoting a livable and walkable environment.

Land Use	Range for FAR (%)	Range for BCR (%)
Residential Low Density <R30	50 – 200	30 – 60
Residential Medium Density R30-R60	100 – 300	30 – 60
Residential High Density >R60	200 – 320	50 – 80
Local Centres	100 – 250	60 – 75
CBD	200 – 320	80
Industrial	100 – 150	30 – 50

1.8 Definitions

- 1.8.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have:

- a) in the Physical Planning Act of 1986 (Cap. 193) as revised in 1988; or, if they are not defined in that Act:
 - i) in the Dictionary of defined words and expressions in Schedule 2 of this document; or
 - ii) in the R-Codes.

- 1.8.2 If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the R-Codes:

- a) in the case of a residential development, the definition in the R-Codes prevails; and
- b) in any other case the definition in the Dictionary prevails.

1.9 Relationship with local laws

- 1.9.1 Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

1.10 Relationship with other Schemes

- 1.10.1 There are currently no other Schemes of the Council which apply to the Scheme area.

1.11 Relationship with the Greater Port Vila RUDSAP updating

- 1.11.1 The Scheme uses the Multi-Hazard Integrated Risk Zoning Map included in the Greater Port Vila (GPV) Resilient Urban Development Strategy and Action Plan (RUDSAP) updating, dated January 2024 which enables quantification of risk to assets and people in the area for selected hazards.

PART 2 — RESERVES

2.1 Reserves (Classification)

2.1.1 Certain lands within the Scheme area are classified as:

- a) Gazetted Reserves; or
- b) Local Reserves.

2.2 Gazetted Reserves

2.2.1 Any lands shown as “Gazetted Reserves” on the Scheme Map are lands officially reserved by the government are shown on the Scheme Map for the purposes of the Physical Planning Act of 1986 (Cap. 193) as revised in 1988.

2.3 Local Reserves

2.3.1 Any “Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map. These might include, for example, land for government purposes, for local community uses or areas for foreshore management policies.

PART 3 — ZONES AND THE USE OF LAND

3.1 Zones

- 3.1.1 The Scheme area is classified into the zones shown on the Scheme Map.
- 3.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.2 Objectives of the zones

- 3.2.1 The objectives of the respective zones are as follows:

3.2.2 Residential

- a) To provide for a range of housing and a choice of residential densities to meet the needs of the variety of household types which make up the community.
- b) To provide for a range of associated compatible activities and development, which will assist in the creation of efficient and sustainable residential neighbourhoods.
- c) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.

3.2.3 Rural Living

- a) To provide for a variety of rural living environments based on defined lot sizes, land form and natural environmental characteristics.
- b) To provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites.
- c) To ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the rural landscape and amenity.

3.2.4 Local Centre

- a) To provide for a limited range of shopping and community services to meet the day- to-day needs of individual neighbourhoods.
- b) To ensure the design and landscaping of development provides a high standard of safety and amenity and contributes towards a sense of place and community within the local neighbourhood.

3.2.5 Central Business District

- a) To provide for an extended range of shopping, commercial and community services to meet the weekly needs of neighbourhood groupings, and contribute towards the employment needs of the local workforce.
- b) To ensure the design and landscaping of development provides a high standard of safety and amenity and contributes towards a sense of place and community within the service area.

3.2.6 Mixed Business/Residential

- a) To provide for a range of compatible commercial and community services, in addition to residential development, in a zone which will complement the overall development of the surrounding area.
- b) To ensure the design and landscaping of development provides a high standard of safety and amenity and contributes towards a sense of place and community within the service area.
- c) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.

3.2.7 General Industry

- a) To provide for a wide range of industrial and associated activities, which can be undertaken without undue constraints on operational performance, so as to meet the needs of the wider community for industrial services and facilities.

- b) To facilitate the aggregation of industrial, storage and distribution activities, based on efficient use of infrastructure and synergies between industries and activities.

3.2.8 Mixed Industrial/ Business

- a) To provide for a range of industrial business and related services to be accommodated in specific policy areas and meet the needs of the area in relation to those goods and services which cannot be practically provided within commercial centres because of either the extensive land area requirements or the performance characteristics of the activity.
- b) To ensure development and operation of businesses achieves relatively high environmental performance and amenity standards based on the level of public access and proximity to residential areas.

3.2.9 Urban Development

- a) To provide for the orderly planning of large areas of land for residential and associated purposes through a comprehensive Development Plan which is able to respond to changing circumstances throughout the developmental stages of the area.
- b) To promote the sustainable development of new urban communities in accordance with the social, environmental and economic goals of the government.

3.2.10 Industrial Development Zone

- a) To designate land for future industrial development; and
- b) To provide a basis for future detailed planning in accordance with the planning provisions of this Scheme.

3.2.11 Hotel and Resort (under Commercial Category)

- a) To provide for a range of accommodation options to meet the needs of both international and national visitors.
- b) To include a wide range associated uses such as meetings/conferences which will add extra attractions to the location and support local businesses and individuals.
- c) To encourage high quality design, built form and streetscapes at such locations and provide examples for other built development; and
- d) To ensure the operation of hotel and motel accommodation does not unreasonably affect the amenity of the surrounding area; and

3.3 Zoning Table (interpretation)

3.3.1 The Zoning Table is shown in Table 1. It indicates, subject to all the provisions of the Scheme, that the uses permitted in the Council area in the various zones are determined by cross reference between the list of use classes on the left-hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.3.2 The symbols used in the cross reference in the Zoning Table have the following meanings:

- 'P' means that the use is Permitted by the Scheme providing the use complies with the relevant development standards, application procedures and any other requirements of the Scheme;
- 'D' means that the use is not permitted unless the Council has exercised its Discretion by granting development approval;
- 'X' means a use that is Not Permitted by the Scheme.

3.3.3 Except as otherwise provided for under the Scheme, a change in the use of land is permitted if:

- a) the Council has exercised its discretion by granting development approval;
- b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- d) the change is to an incidental use that does not change the predominant use of the land.

- 3.3.4 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Council may:
- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow any advertising procedures in considering an application for development approval; or
 - c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.
- 3.3.5 Where a person proposes to carry out more than one use on land, each individual use shall be required to meet the requirements of the Scheme.
- 3.3.6 Where a use is mentioned in the Zoning Table, it is deemed to include activities incidental to that use.
- 3.3.7 **Note:** While the use of land, which is incidental to a predominant use is provided for under the scheme, such use may be subject to limitation and/or control under the scheme. For example, incidental car parking may be subject to restrictions on location, design and number in conjunction with a development approval or otherwise as provided for under the Scheme.

3.4 Additional uses

- 3.4.1 Despite anything contained in the Zoning Table, the land specified in Schedules 1 and 11 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated, subject to any conditions or limitations set out in Schedule 2 with respect to that land.
- 3.4.2 **Note:** An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in the zone that applies to the land. In some circumstances the additional use may have the potential to conflict with one or more of the permitted uses in the parent zone, and accordingly such 'P' uses are required by the terms of Schedule 4 to be dealt with as 'D' uses, being subject to discretionary control under the Scheme.

3.5 Restricted uses

- 3.5.1 The land specified in Schedule 3 and on the Scheme Map indicates where the permissibility of uses listed in the general Zoning Table is modified by Schedule 5 such that approval of Schedule 3 listed uses will only be in accordance with the permissibility listed for Restricted Uses and specified Conditions under Schedule 5.

3.6 Special use zones

- 3.6.1 Land use and development in accordance with the Uses and Conditions specified in Schedule 6 shall be permissible.

3.7 Non-conforming uses

- 3.7.1 Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent:
- a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
 - b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or
 - c) the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

3.8 Extensions and changes to a non-conforming use

- 3.8.1 A person must not:
- a) alter or extend a non-conforming use;

- b) erect, alter or extend a building used in conjunction with or in furtherance of a non- conforming use; or
- c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained development approval under the Scheme.

3.8.2 An application for development approval under this clause is to be advertised in accordance with the approved provisions.

3.8.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the Council will not grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non- conforming use and is, in the opinion of the Council, closer to the intended purpose of the zone.

3.9 Discontinuance of non-conforming use

3.9.1 Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

3.10 Termination of a non-conforming use

3.10.1 The Council may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

3.10.2 **Note:** Section 30 of the Municipalities Act (Cap 126) enables the Council, with the consent of the Minister, to compulsorily acquire land for the purpose of any of its functions.

Table 1 Zoning Table

	Residential	Rural Living	Commercial/ Local Centre	Central Business District	General Industry	Light Industry	Mixed Business/ Residential	Mixed Industrial/ Business	Community/ Public Services	Recreation/ Open Space	Other Uses
Agriculture - Extensive	X	D	X	X	X	X	X	X	X	X	D
Agriculture - Intensive	X	D	X	X	X	X	X	X	X	X	D
Agroforestry	X	D	X	X	X	X	X	X	X	X	D
Amusement Parlour	X	X	D	D	X	X	X	X	X	X	D
Ancillary Accommodation	P	D	X	X	X	X	D	X	X	X	D
Animal Establishment	X	X	X	X	X	X	X	X	X	X	D
Animal Husbandry - Intensive	X	X	X	X	X	X	X	X	X	X	D
Auction Mart	X	X	D	D	D	D	D	D	X	X	D
Bed & Breakfast	D	D	X	X	X	X	D	X	X	X	D
Betting Agency	X	X	P	P	X	X	D	D	X	X	D
Bulky Goods Showroom	X	X	X	X	X	D	X	X	X	X	D
Car Park	X	X	D	D	P	P	D	D	D	D	D
Caravan Park	X	X	X	X	X	X	X	X	X	X	D
Caretaker's Dwelling	X	X	D	D	D	D	D	D	X	X	D
Casino	X	X	D	D	X	X	D	D	X	X	D
Child Care Premises	D	D	P	P	X	D	D	X	D	X	D
Cinema/Theatre	X	X	X	D	X	X	X	X	D	X	D
Civic Use	D	X	P	P	D	D	D	D	P	D	D
Club Premises	D	D	D	D	X	D	D	D	D	X	D
Commercial Vehicle Parking	D	D	D	D	P	P	D	D	X	X	D
Community Purpose	D	D	D	D	X	D	D	D	P	X	D
Consulting Rooms	D	X	P	P	X	D	D	D	X	X	D
Convenience Store	D	X	D	D	X	D	D	D	X	X	D
Corrective Institution	X	X	X	X	X	X	X	X	X	X	D
Dam Construction	X	D	X	X	X	X	X	X	X	X	D
Display Home Centre	D	X	X	X	X	X	D	D	X	X	D
Educational Establishment	D	D	D	D	D	D	D	D	D	X	D
Exhibition Centre	X	D	P	P	X	D	P	P	D	X	D
Family Day Care	D	D	X	X	X	X	X	X	D	X	D
Fast Food Outlet	X	X	D	D	X	D	D	D	X	X	D
Fuel Depot	X	X	X	X	D	X	X	X	X	X	D
Funeral Chapel/Parlour	X	X	D	D	D	D	D	D	X	X	D
Garden Centre - Retail	X	D	D	D	X	D	D	D	X	X	D
Grouped Dwelling	D	X	D	D	X	X	D	X	X	X	D
Holiday Accommodation	X	D	D	D	X	X	D	X	X	X	D
Home Business	D	D	D	D	X	P	P	D	X	X	D
Hospital/Clinic	X	X	D	D	X	X	D	D	D	X	D
Hotel	X	D	P	P	X	X	D	D	X	X	D
Industry - Cottage	D	D	P	P	P	P	P	P	X	X	D
Industry - Extractive	X	X	X	X	X	X	X	X	X	X	D
Industry - General	X	X	X	X	P	X	X	D	X	X	D
Industry - Light	X	X	X	X	P	D	D	D	X	X	D
Industry - Mining	X	X	X	X	X	X	X	X	X	X	D

	Residential	Rural Living	Commercial/ Local Centre	Central Business District	General Industry	Light Industry	Mixed Business/ Residential	Mixed Industrial/ Business	Community/ Public Services	Recreation/ Open Space	Other Uses
Industry - Rural	X	D	P	X	X	X	X	X	X	X	D
Industry - Service	X	X	P	D	D	D	D	D	X	X	D
Kava bar/kava nakamal	D	X	D	D	D	D	D	D	X	X	D
Land Sales Office	D	X	X	X	D	D	D	D	X	X	D
Liquor Store	X	X	X	X	D	D	D	D	X	X	D
Lunch Bar	X	X	D	D	P	D	D	D	X	X	D
Market	X	X	P	P	D	D	D	D	D	D	D
Medical Centre	X	X	X	D	D	D	D	D	D	X	D
Motel	D	X	P	P	D	D	D	D	X	X	D
Motor Vehicle Repair	X	X	P	D	X	D	X	X	X	X	D
Motor Vehicle Wash	X	X	P	D	D	D	D	D	X	X	D
Motor Vehicle and Boat Sales	X	X	D	D	D	D	D	D	X	X	D
Multiple Dwelling	D	X	X	X	D	D	D	D	X	X	D
Night Club	X	X	X	X	X	D	D	D	X	X	D
Occasional Uses	D	D	D	D	D	D	D	D	X	X	D
Office	X	X	X	D	P	P	D	D	X	X	D
Place of Worship	D	X	X	X	D	D	D	D	D	X	D
Plantation	X	P	X	X	X	X	X	X	X	X	D
Reception Centre	X	D	X	D	D	D	D	D	X	X	D
Recreation - Domestic	P	P	X	X	P	D	D	D	X	X	D
Recreation - Private	D	D	D	D	D	D	D	D	X	X	D
Recreation - Public	P	P	D	P	P	D	D	D	P	P	D
Residential Building	D	X	X	X	D	D	P	P	X	X	D
Restaurant or Cafe	X	D	X	D	D	D	P	P	D	D	D
Restricted Premises	X	X	X	D	X	D	D	D	X	X	D
Rural Home Business	X	D	X	X	X	D	D	D	X	X	D
Rural Pursuit	X	P	X	X	X	X	D	X	X	X	D
Service Station	X	X	D	D	X	D	D	D	X	X	D
Shop	D	X	X	D	D	D	P	P	X	X	D
Single Bedroom Dwelling	P	X	X	X	D	D	P	D	X	X	D
Single House	P	P	X	X	P	D	P	D	X	X	D
Storage	X	X	P	D	X	D	D	D	X	X	D
Tavern/Bar	X	X	X	X	D	D	D	D	X	X	D
Telecommunications Infrastructure	X	D	D	D	D	D	D	D	X	X	D
Trade Display	X	X	D	D	X	D	D	D	X	X	D
Trade Supplies	X	D	D	D	X	D	D	D	X	X	D
Transport Depot	X	D	P	D	X	D	D	D	X	X	D
Vehicle Wrecking	X	X	D	X	X	X	X	X	X	X	D
Veterinary Centre	X	D	D	D	D	D	D	D	X	X	D
Warehouse	X	X	P	D	X	D	D	D	X	X	D

PART 4 — GENERAL DEVELOPMENT REQUIREMENTS

4.1 Compliance with development standards and requirements

4.1.1 Any development of land is to comply with the provisions of the Scheme.

4.2 R-Codes

4.2.1 The R Codes represent the average number of residential units per hectare (10,000m²) which are considered currently appropriate for each neighborhood block or combination of blocks. The R Codes can be grouped into low, medium and high-density areas. R Codes may change over time within each neighborhood in response to changing demographics and land use demands.

4.2.2 R Codes are designed to reflect a balance between population needs and acceptable densities and will change over time to reflect changing circumstances. They are designed to provide levels of residential density which enable residents to be able to enjoy the benefits of each neighborhood, make efficient use of provide infrastructure and services and which are appropriate for that area at that time. They also provide a guide to prevailing sub-division policy.

4.2.3 The following tables shows the R-Code requirements for a range of densities. If the relevant R-code is not listed it should be interpreted from the nearest code(s) shown.

R Code	Site Area per Dwelling		Frontage	Open Space		Minimum Setbacks		
	Average (m2)	Minimum (m2)	Minimum Width (m)	Minimum (% of site)	Minimum Outdoor Living (m2)	Primary Street (m)	Secondary Street (m)	Side/Rear (m)
R2.5		4,000	40	80		20	10	3/3
R5		2,000	30	70		12	6	3/3
R10	875	1,000	20	60		7.5	3	3/3
R20	450	350	10	50	30	6	1.5	2/2
R25	350	300	8	50	30	6	1.5	2/2
R30	300	260		45	24	4	1.5	2/2
R35	260	220		45	24	4	1.5	2/2
R40	220	180		45	20	4	1	2/2
R50	180	160		40	16	2	1	1/1
R60	150	120		40	16	2	1	1/1

4.2.4 A copy of the R-Codes is to be kept and made available for public inspection at the offices of the Council

4.2.5 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the R-Codes is to conform with the provisions of those Codes. The R-Codes density applicable to land within the Scheme area is to be determined by reference to the R-Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map. Where a dual code is depicted, the lower code is applicable to subdivision and development, unless a density bonus has been granted in accordance with Clause 4.2.6.

4.2.6 Notwithstanding 4.2.3 above, the Council may permit development above the lower density code in the following circumstances subject to an application for development approval being granted by the Council in accordance with Local Planning Policy on Residential Density Development

- a) in the case of properties fronting more than one street or abutting a public open space reserve, where the design will result in development providing surveillance of the streets or public open space reserve respectively; or
- b) the case of properties abutting public access ways (PAWs), where the design will result in development providing surveillance of the PAW; and
- c) where the property is provided with adequate sewerage, adequate drainage, adequate waste collection and a footpath system; and
- d) where the proposal is near the following facilities
 - a public transport stop;
 - a convenience shopping site;
 - a recreational open space or other recreational facility; and
 - a community facility.
- e) the lot/development site has a minimum area of 1,400m² and a minimum frontage of 25 metres;
- f) where the development is for Grouped Dwellings, a minimum of 75% of dwellings comprise at least two storeys with at least one habitable room on the second floor; and
- g) existing trees with a trunk circumference of 0.6m or greater at a height of 1m from the natural level of the ground are retained.

4.2.7 In those non-residential zones in which grouped or multiple dwellings are permitted at the discretion of the Council (Local Centre, CBD and Mixed Business / Residential), the maximum density of development shall be determined by the Council, taking into consideration the suitability of the area for the proposed development and the likely impact of the development on the amenity of the locality.

4.3 Building coverage

4.3.1 A maximum building coverage of 500 square metres (including outbuildings) is to apply to areas coded R5 or less, unless otherwise approved by the Council.

4.4 Restrictive covenants

4.4.1 A restrictive covenant affecting any land in the local planning scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme (including any covenant purporting to:

- a) limit or restrict subdivision, or
- b) limit or restrict the maximum area occupied by a dwelling),

4.4.2 is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the R-Codes which apply under the Scheme.

4.4.3 **Note:** This will necessitate information on restrictive covenants affecting density. A copy of the title will accordingly be required for grouped or multiple dwellings.

4.5 Variations to site and development standards and requirements

4.5.1 Except for development in respect of which the R-Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

4.5.2 In considering an application for development approval under this clause, where, in the opinion of the Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Council is to:

- a) consult the affected parties by following one or more of the provisions of any required advertising procedures; and
- b) have regard to any expressed views prior to making its determination to grant the variation.

4.5.3 The power conferred by this clause may only be exercised if the Council is satisfied that:

- a) approval of the proposed development would be appropriate having regard to the criteria set out in any supplemental provisions contained in Schedule 1; and
- b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

4.6 Environmental conditions

- 4.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedules to the Scheme.
- 4.6.2 Where appropriate, the environmental conditions are indicated on the maps comprising the Scheme by a symbol to indicate that environmental conditions apply to the land.
- 4.6.3 The Council is to:
 - a) maintain a register of all relevant statements published under Part 3 of the Environmental Protection and Conservation Act (CAP 283) of 2002 and as amended; and
 - b) make the statements available for public inspection at the offices of the Council.

4.7 Development Envelopes

- 4.7.1 Where development envelopes are, pursuant to this Scheme, required to be depicted on a Plan, or are otherwise depicted on an approved development envelope plan, all development shall be located within the development envelopes shown on those Plans.
- 4.7.2 Development envelopes shall be determined having regard to criteria contained in any relevant policy adopted under Part 2 of the Deemed Provisions.
- 4.7.3 The Council may, having regard to any relevant policy adopted under Part 2 of the Deemed Provisions, approve the relocation or modification of a development envelope.
- 4.7.4 Notwithstanding the provisions of clause 4.7.1, the Council may at its discretion, approve the construction of the following structures outside of development envelopes, such as minor earthworks, septic tanks and water tanks.
- 4.7.5 Where a development envelope has been identified on an approved development plan, no clearing of natural vegetation or the destruction or damage of trees is to take place on the lot, other than within the designated envelope, except:
 - a) as necessary for the establishment of an approved vehicular access from the adjacent street to the designated development envelope; or
 - b) as otherwise approved by the Council in accordance with the provisions of clause 4.5.
- 4.7.6 Where any inconsistency arises between clause 4.7 and any other provision of the Scheme, the provisions of this clause shall prevail to the extent of that inconsistency.

4.8 Management of construction sites

- 4.8.1 In addition to any requirements which may be imposed as conditions of development, construction sites are to be managed so as to minimise soil erosion or the degradation of any water resource due to the action of wind or water and protect as far as practicable, the natural resource values of the site and of the adjacent area.
- 4.8.2 **Note:** Where a construction site is, in the opinion of the Council, being managed in such a way as to cause undue erosion of soil or the pollution of any water resource, the Council may require the owner to take steps to prevent any further erosion or pollution and remediate the site. Such action may include stabilisation of soil or re-instatement of vegetation cover and repair of any damage to the land or water resources.

4.9 Drainage and water sensitive design

- 4.9.1 Any development which increases the area of impermeable surfaces or which otherwise reduces stormwater recharge of groundwater systems, is to utilise best management practices to minimise as far as practicable:
- a) changes to both the rate and quantity of direct stormwater discharge from the site; and
 - b) the export of water borne pollutants (including nutrients).
- 4.9.2 Drainage system design and management is to be undertaken in accordance with best management practices and to mitigate any degradation of land or water resources, and measures are to be put in place to prevent litter from entering drainage systems.

4.10 Effluent Disposal

- 4.10.1 Access to a reticulated sewerage system is not available, so on-site effluent disposal facilities are to be provided to treat and dispose of any domestic effluent.
- 4.10.2 No effluent disposal facility (including any leach drain or soak well) is to be located:
- a) within 6m of any open drainage channel or subsoil drain; or
 - b) within 30 metres of the outer edge of an intermittent water course; or
 - c) within 50 metres of the outer edge of a permanent water course in the case of a nutrient removal system or within 100 metres for a conventional septic system; or
 - d) within 50 metres of any protected shoreline or wetland, or within such greater distance as may be required to achieve a minimum one metre vertical separation between the natural ground level at that distance and the natural ground level of the adjacent shoreline or wetland vegetation; or
 - e) within 50 metres of a bore or underground water source used for human consumption, unless otherwise approved by the Council in accordance with the provisions of clause 4.7.
- 4.10.3 Nothing in this clause is to prevent the Council requiring additional setback requirements for effluent disposal facilities and/or requiring the installation of specific types of facilities (including those involving the removal of nutrients) where it considers such requirements appropriate or necessary for the protection of water resources or other environmental values.

4.11 Subdivision

- 4.11.1 Subdivision within a Development Area is subject to the respective provisions of each Part of this Scheme, which requires the preparation and approval of a Development Plan prior to subdivision.
- 4.11.2 In an area where comprehensive planning is required, a Development Plan may be required prior to the Council support for subdivision, notwithstanding the area has not specifically been defined as a Development Area.
- 4.11.3 In approving applications for commencement of development relative to subdivision, the Council may impose conditions requiring the continuous fencing of lots backing on to or abutting a public reserve.

4.12 Additional site requirements for areas covered by development plans

- 4.12.1 Schedule 9 sets out requirements relating to development that are included in development plans, and any other urban development plans that apply in the Scheme area.

PART 5 — RESIDENTIAL ZONE REQUIREMENTS

This Part includes the requirements for development in the Residential Zone and should be read in conjunction with the general requirements of Part 4 and the requirements applicable within any relevant Special Control or Local Area Plan Areas under Part 5 as well as any other specific provisions applicable to individual sites.

5.1 Car parking and vehicular access (including parking of commercial vehicles)

- 5.1.1 Car parking is to be provided in accordance with the standards for respective uses detailed in Schedule 8. Unless otherwise approved or required by the Council, required car parking is to be provided on the site of the proposed development.
- 5.1.2 Parking spaces and maneuvering areas shall be designed in accordance with prevailing standards for off-street parking, and paved, kerbed, drained, marked and landscaped with shade trees and shrubs to the satisfaction of the Council.
- 5.1.3 Safe and convenient vehicular access is to be provided to all development sites, and where required by the Council, vehicular access is to be provided to service any required car parking or service areas provided on the development site.
- 5.1.4 The location and design of vehicular access to any road is to be subject to the Council's approval in accordance with the provisions of the Scheme. In considering any proposal for new or modified vehicular access, the Council may, having regard to safety of pedestrian and vehicular traffic:
 - a) determine the width of the crossover and/or vehicular access way;
 - b) refuse to permit more than one vehicular access to any lot;
 - c) require separate entrances and exits, and the provision of appropriate signage indicating the direction of movement; or
 - d) require that entrances and exits be placed in positions nominated by the Council.
- 5.1.5 No person shall park a commercial vehicle except for immediate delivery or loading purposes normally associated with a domestic or residential use, unless approved by the Council except in accordance with the following requirements:
 - a) not more than one such vehicle is to be parked on a lot;
 - b) the load capacity of the vehicle shall not exceed 2.5 tonnes;
 - c) the overall height of the vehicle (including any load) shall not exceed 2 metres;
 - d) the overall length of the vehicle (including any trailer or attachments) shall not exceed 5 metres;
 - e) the lot on which the vehicle is parked is to have an area of at least 600m²;
 - f) the lot on which the vehicle is parked shall contain only a single house and associated outbuildings;
 - g) the operator of the vehicle shall be the owner or occupier of the property on which the vehicle is to be parked;
 - h) on-site provision for garaging or parking of the vehicle behind the front building setback line, is to be made in a manner satisfactory to the Council; and
 - i) the amenity of the neighbourhood is not to be prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust.
- 5.1.6 An application for parking a commercial vehicle shall be subject to an application for annual approval and if in the opinion of the Council, a nuisance or annoyance to the owners or occupiers of land in the neighbourhood occurs as a consequence of the parking of a commercial vehicle, the Council may revoke or refuse to renew its approval.

5.2 Landscaping

- 5.2.1 Having regard to the amount and quality of landscaping to be provided in conjunction with any proposed development, the Council may impose a requirement for up to 10 per cent of the area of the development site to be allocated for landscaping and useable open space.
- 5.2.2 Landscaping should be designed where possible to be contiguous in nature and to be practical both visually and for shade and drainage purposes. Small, unconnected or impractical areas which are

provided solely to meet area requirements should be avoided. The Council may consider that such areas do not count towards landscaping area requirements.

5.3 Storage of goods and materials

5.3.1 A person must not store or allow to be stored goods or materials on land, except where the goods or materials are:

- a) for domestic use;
- b) for building purposes associated with an authorised development of the site; or
- c) for use in conjunction with an authorised home occupation or home business.

5.3.2 Any goods or materials are to be housed within a building or otherwise screened from view from any adjacent public place, except in the following cases:

- a) building materials for use in conjunction with an approved development, provided such materials do not remain on site for more than 12 months;
- b) landscaping supplies, provided such materials do not remain on site for more than 12 months; or
- c) firewood, provided the supplies are stored behind the front of the dwelling.

PART 6 — CENTRAL BUSINESS DISTRICT (CBD), LOCAL CENTRE AND MIXED BUSINESS/RESIDENTIAL ZONE REQUIREMENTS

This Part should be read in conjunction with the general requirements of Part 4 and the requirements applicable within any relevant Special Control Areas as well as any other specific provisions applicable to individual sites.

This Part applies to the Central Business District (CBD), the Mixed Business / Residential Zone and the Local Centre Zone, unless expressly stated to the contrary in a clause of this Part.

6.1 Setbacks

- 6.1.1 Buildings are to be setback from boundaries in accordance with an adopted Development Plan prepared in accordance with the requirements of the Council and having regard to:
- a) any adopted policy or Design Guidelines for the area or the type of development proposed;
 - b) the setbacks of any adjoining or adjacent development with which the proposed building is likely to relate, and in the case of a site which adjoins land in another zone, the setback requirements for that zone;
 - c) the use or usability of the setback area, taking into consideration the nature of the adjoining street and the desirability or otherwise of direct vehicular access to that street, and from any adjoining property;
 - d) the desirability of continuous building frontages where pedestrian access is to be provided adjacent to the frontage of the building or where such access and associated pedestrian shelter would be desirable to facilitate movement between adjoining sites;
 - e) the space requirements for pedestrian access, and the need and/or desirability of segregating pedestrian access from vehicular access and parking areas;
 - f) the desirability or otherwise of landscaping within the setback area in order to reduce any adverse visual impact associated with the proposed building façade and/or associated use of setback areas; and
 - g) the safety and convenience of pedestrian and vehicular access to the site from the adjoining street and from adjacent sites.
- 6.1.2 Setback requirements applicable to development, are not necessarily to be interpreted as minimum setbacks, and where the Council considers it appropriate, it may impose maximum or minimum setbacks as it thinks fit, or it may prescribe a building setback line for any building or part of a building.
- 6.1.3 In the case of Local Centres and Mixed Business / Residential Zones outside of the CBD, buildings are to be setback having regard to any Development Plan and the following criteria:

- a) The setbacks of any adjoining or adjacent development with which the proposed building is likely to relate, and in the case of a site which adjoins land in another zone, the setback requirements for that zone;
- b) The use or usability of the setback area, taking into consideration the nature of the adjoining street and the desirability or otherwise of direct vehicular access to that street, and from any adjoining property;
- c) The desirability of continuous building frontages where pedestrian access is to be provided adjacent to the frontage of the building or where such access and associated pedestrian shelter would be desirable to facilitate movement between adjoining sites;
- d) The space requirements for pedestrian access, and the need and/or desirability of segregating pedestrian access from vehicular access and parking
- e) The desirability or otherwise of landscaping within the setback area in order to reduce any adverse visual impact associated with the proposed building façade and/or associated use of setback areas; and
- f) The safety and convenience of pedestrian and vehicular access to the site from the adjoining street and from adjacent sites.

6.2 Building height

- 6.2.1 Buildings heights are to be in accordance with the adopted Development Plan prepared in accordance with the requirements of the Council and/or in relation to any FAR and BCR for the area.
- 6.2.2 In the case of Local Centres and Mixed Business / Residential Zones outside of the CBD, building heights are to have regard to any Development Plan, any FAR and BCR for the area and the following criteria:
 - a) The height of any adjoining or adjacent development, and the desirability or otherwise of maintaining consistency in relation to the height and scale of buildings within the particular centre or area;
 - b) In the case of a site which adjoins land in another zone, the height and setback requirements of that zone;
 - c) Where ground conditions require intensive preparation or extensive engineering to develop high-rise development which may influence the public's perception of the integral safety of any such construction;
 - d) The effect of shading associated with the proposed development and in particular whether there will be any significant overshadowing of existing or proposed pedestrian spaces;
 - e) The need for safe and convenient pedestrian shelter, and the desirability of maintaining continuity and/or compatibility in relation to adjoining pedestrian facilities;
 - f) The design of the external facades of the building, including the height of any awnings or parapets and their relationship with those of adjacent buildings; and
 - g) The finished ground level proposed for the development site in relation to that of the adjoining sites.

6.3 Building bulk

- 6.3.1 Unless otherwise approved by the Council, the maximum FAR and BCR within the respective zones is to accord with the following standards:
 - a) Mixed Business/Residential FAR 200% and BCR 50%
 - b) CBD Zone: FAR 320% and BCR 80%
 - c) Local Centre Zone: FAR 250% and BCR 75%
 - d) Other Commercial Zones (as shown on the Scheme Map or to be determined by an adopted Local Area Plan or LAP).
- 6.3.2 The Council wishers to retain the character of the CBD and to ensure that local centres are not overdeveloped. This translates into a preferred maximum building height of 4 storeys in the CBD and less in local centres. So in the CBD a 1000m² plot with a BCR of 80% would provide 20% for parking

and open space, leaving 800m² for the building. A BCR of 320% would allow for 3,200m² which over 800m² could be accommodated in 4 storeys.

6.4 Design and pedestrian access

6.4.1 The design and layout of buildings and the arrangement of spaces and activity areas, is to have regard to:

- a) any policy, LAP or Design Guidelines adopted for the area or the type of development proposed;
- b) the need for continuity of development along shopping streets to improve functional integration and maintain visual interest;
- c) the need for safe and convenient pedestrian access and movement, including the need for promoting continuous pedestrian shelter in line with the Council's desire for a walkable urban area;
- d) the physical access needs of persons with disabilities, with reference to any relevant adopted Standards; and
- e) the design and architectural character of adjacent development, and its relationship with the development proposed.

6.5 Landscaping

6.5.1 Landscaping is to be provided and maintained so as to enhance visual amenity and contribute towards overall environmental performance of all development sites.

6.5.2 The area, distribution and form of landscaping of individual sites is to be determined in conjunction with each proposed development, having regard to:

- a) the layout of development, including particularly the extent and location of any uncovered car parking and service areas which may benefit from landscape screening;
- b) the design of building façades and their relationship to adjacent streets and other public spaces;
- c) the desirability of integrating landscape planting with stormwater management in order to achieve more water sensitive design outcomes;
- d) the desirability of providing shade trees within or adjacent to the development so as to improve the microclimate for users of the facilities;
- e) the need for safe and convenient pedestrian access to and within the development site, including particularly access from the street and adjacent sites; and
- f) the desirability of providing areas within or adjacent to the site for respite and relaxation by users of the development site.

6.5.3 Where uncovered car parking areas are to be provided, landscape planting is to be provided and maintained so as to minimise the visual impact of the parking areas, and is to include:

- a) a minimum 2 metre wide landscape strip between the parking area and the street boundary of the site; and
- b) provision of shade trees at a rate of one (1) tree per four (4) parking bays planted at intervals of no greater than 10 metres along any line of car parking bays. Where those bays are immediately adjacent to a building, the Council may permit the required trees in another location of site.

6.5.4 Having regard to the amount and quality of landscaping to be provided in conjunction with any proposed development, the Council may impose a requirement for up to 10 per cent of the area of the development site to be allocated for landscaping and useable open space.

6.5.5 Landscaping should be designed where possible to be contiguous in nature and to be practical both visually and for shade and drainage purposes. Small, unconnected or impractical areas which are provided solely to meet area requirements should be avoided. The Council may consider that such areas do not count towards landscaping area requirements.

6.6 Car parking and vehicular access

- 6.6.1 Car parking is to be provided in accordance with the standards for respective uses detailed in Schedule 8, unless otherwise approved by the Council. Unless otherwise approved or required by the Council, required car parking is to be provided on the site of the proposed development.
- 6.6.2 Where on-street car parking is specifically provided for immediately adjacent to the frontage of the development site, the Council may accept such facilities as part of the required car parking. On-street parking facilities are only to be credited towards required car parking where:
 - a) use of such facilities to service the development site would not prejudice an adjacent development or adversely affect the safety or amenity of the locality; and
 - b) any such on-street car parking will remain available to the general public during peak demand periods for the development site towards which the parking facilities have been credited.
- 6.6.3 Parking spaces and maneuvering areas shall be designed in accordance with the any specifications for off-street parking, and paved, kerbed, drained and marked to the satisfaction of the Council.
- 6.6.4 When considering an application for planning consent, the Council shall have regard to and may impose, conditions with respect to the location of parking on the site, and the pedestrian and vehicle traffic circulation system proposed
- 6.6.5 Safe and convenient vehicular access is to be provided to all development sites, and where required by the Council, vehicular access is to be provided to service any required car parking or service areas provided on the development site.
- 6.6.6 The location and design of vehicular access to any road is to be subject to the Council's approval in accordance with the provisions of the Scheme. In considering any proposal for new or modified vehicular access, the Council may, having regard to safety of pedestrian and vehicular traffic:
 - a) determine the width of the crossover and/or vehicular access way;
 - b) refuse to permit more than one vehicular access to any lot;
 - c) require separate entrances and exits, and the provision of appropriate signage indicating the direction of movement;
 - d) require that entrances and exits be placed in positions nominated by the Council; or
 - e) require an agreement to be entered into so as to provide for shared use of vehicular access ways in favour of users of adjacent properties.

6.7 Cash-in-lieu or land-in-lieu of parking

- 6.7.1 The Council may, if it is in conformity with an adopted public parking policy, accept or require a cash payment or transfer of land or both, in lieu of the provision of all or a proportion of required car parking spaces, but subject to the requirements of this Clause.
- 6.7.2 The Council may only require cash-in-lieu of parking where it is satisfied that the provision of parking on-site, and/or associated vehicular access, would be detrimental to the overall development and integrity of the centre of which the development site forms a part.
- 6.7.3 Except as otherwise provided, a cash-in-lieu payment shall be:
 - a) the estimated cost to the Council of providing and constructing the parking spaces required by the Scheme, plus
 - b) the value, as estimated by a licensed valuer appointed by the Council, of that area of the development site which would have been occupied by the required parking spaces and associated maneuvering areas.
- 6.7.4 Where in the opinion of the Council it is likely there will be a sharing of public parking facilities by uses with significantly different peak demand times, the cash-in-lieu contribution in respect of requisite number of parking spaces may be reduced by up to 50 per cent.

- 6.7.5 Payments made under this Clause shall be paid into a trust fund to be used to provide public parking in the locality of the development sites in relation to which the cash-in-lieu contributions have been received.
- 6.7.6 In the case of the Council accepting a transfer of land, it shall only accept such land free of cost, in fee simple and in a location satisfactory to the Council. The area of land concerned shall not be less than the area, which would have had to be provided by the developer for car parking purposes.
- 6.7.7 In the case of the Council accepting a transfer of land, unless the land area transferred exceeds the area to be provided by the developer for parking purposes by a sufficient margin to reflect the cost of constructing the parking, the Council shall require payment in cash of the cost of constructing the parking in addition to the transfer of land.
- 6.7.8 In the interest of accommodating growth and a flexible approach to expanding business, nothing in the Scheme shall prevent the Council from seeking rezoning classification and sale of the lands referred to, provided that the originally required car parking provision is relocated elsewhere.

6.8 Shared use of parking facilities

- 6.8.1 Parking facilities may be shared between two or more owners or users of land or by one owner or user in respect of separate buildings or uses, subject to the satisfaction of the standards and requirements set out in this clause.
- 6.8.2 The Council may permit the parking spaces for a building or use to be provided jointly with any one or more other buildings or uses whether or not those others separately have the prescribed number of parking spaces, provided that the peak hours of operation of the buildings or uses so sharing do not substantially overlap.
- 6.8.3 The Council may require that reciprocal access and circulation arrangements are provided for any buildings or uses affected by this subclause when, in the opinion of the Council, such arrangements are deemed necessary to assure the continued access to shared parking facilities.
- 6.8.4 The following requirements shall be complied with where off-site or shared parking is proposed:
 - a) evidence shall be provided sufficient to satisfy the Council that no substantial conflict will exist in the peak hours of operation of the buildings or uses for which the joint use of parking spaces or the reciprocal access and circulation arrangements is proposed;
 - b) the number of parking spaces to be provided on the land which is not the subject of the application, is sufficient to meet the shortfall in parking in respect of the development subject of the application; and
 - c) shared use of the parking facilities on the land which is not the subject of the application, will not result in any deficiency in parking for that site.
- 6.8.5 The Council may require an agreement to be prepared by a legal officer at the expense of the applicant, detailing the relevant arrangements for off-site or shared parking, and executed by all parties concerned. Any such agreement shall be designed to ensure that access to, and use of shared parking facilities will continue for the duration of the development for which the parking is provided, and that the arrangements for shared use of facilities are not altered without the consent of the Council.
- 6.8.6 Where the Council agrees to a reduction in the number of on-site car parking spaces provided, based on shared use of parking facilities, the provisions of sub-clause 4C.7.4 relating to reduction in the cash-in-lieu contributions are not to apply.

6.9 Off-site impacts

- 6.9.1 Where a proposed development is likely, if approved, to give rise to any significant off-site environmental impacts including risks such as landslides, which are likely to result in nuisance or adverse impacts on adjacent areas, the Council may:

- a) refuse the application; or
- b) approve the application subject to conditions designed to ameliorate any impact.

6.9.2 In its determination of any application for development approval, the Council is to take into consideration the potential environmental impact on the use and enjoyment of adjacent land or property, having regard to:

- a) any proposed earthworks on the property and potential drainage/run-off impacts which could affect adjoining properties;
- b) the potential loss of light due to high-rise buildings or construction close to any neighboring property;
- c) the practicability and effectiveness of any amelioration measures which form part of the proposed development; and
- d) the zoning, use and likely future development or occupancy of the adjacent land or property upon which the environmental impacts will impinge.

6.10 Tree protection

6.10.1 Subject to clause 6.10.2, a person shall not without the prior written approval of the Council remove, lop, top, chop, ringbark or otherwise trim or destroy a tree within any of the CBD, Local Centre or other Commercial zones

6.10.2 Clause 6.10.1 does not apply to, or prevent the removal of:

- a) a fruit tree;
- b) a tree which the Council certifies in writing is likely to create a hazard;
- c) a tree which it is necessary to remove for the purpose of constructing or erecting a building, fence or access way in respect of which a building licence has been issued by the Council;
- d) a tree which the Council or a public authority considers it necessary to remove or lop in order to be able to provide a public utility or service; or
- e) a tree having a trunk of a circumference less than 0.6m at a height of 1m from the natural level of the ground.

PART 7 — INDUSTRIAL BUSINESS, MIXED INDUSTRIAL/BUSINESS AND GENERAL INDUSTRY ZONE REQUIREMENTS

This Part includes the requirements for development in any Industrial Business Zone, Mixed Industrial/Business and/or General Industry Zone, and should be read in conjunction with the general requirements of Part 4 and any other specific provisions applicable to individual sites.

7.1 Setbacks

7.1.1 Buildings are to be setback from boundaries having regard to:

- a) any policy or Design Guidelines adopted by the Council for development in the Industrial or Mixed Industrial/Business zones;
- b) the setbacks of any adjoining or adjacent development with which the proposed building is likely to relate, and in the case of a site which adjoins land in another zone, the setback requirements for that zone;
- c) the use or usability of the setback area, taking into consideration the nature of the adjoining street and the desirability or otherwise of direct vehicular access to that street, and from any adjoining property;
- d) the desirability of continuous building frontages where pedestrian access is to be provided adjacent to the frontage of the building or where such access and associated pedestrian shelter would be desirable to facilitate movement between adjoining sites;
- e) the space requirements for pedestrian access, and the need and/or desirability of segregating pedestrian access from vehicular access and parking areas;
- f) the desirability of landscaping within the setback area in order to reduce any adverse visual impact associated with the proposed building façade and/or associated use of setback areas; and
- g) the safety and convenience of pedestrian and vehicular access to the site from the adjoining street and from adjacent sites.

7.1.2 Where the Council considers it appropriate, it may impose maximum or minimum setbacks as it thinks fit, or it may prescribe a building setback line for any building or part of a building.

7.2 Building height

7.2.1 The height of buildings is to be determined, having regard to any Development Plan, any FAR and BCR for the area and the following criteria:

- a) any policy or Design Guidelines adopted by the Council for development in the Industrial or Mixed Industrial/Business zones;
- b) the height of any adjoining or adjacent development, and the desirability or otherwise of maintaining consistency in relation to the height and scale of buildings within the vicinity;
- c) in the case of a site which adjoins land in another zone, the height and setback requirements for that zone;
- d) Where ground conditions require intensive preparation or extensive engineering to develop high-rise development which may influence the public's perception of the integral safety of any such construction;
- e) the need for safe and convenient pedestrian shelter, and the desirability of maintaining continuity and/or compatibility in relation to adjoining pedestrian facilities;
- f) the design of the external façades of the building, including the height of any awnings or parapets and their relationship with those of adjacent buildings; and
- g) the finished ground level proposed for the development site in relation to that of the adjoining sites.

7.3 Building bulk

7.3.1 Unless otherwise approved by the Council in accordance with the provisions of clause 4.5, the maximum FAR is to be 150% and BCR 50%

7.4 Landscaping

- 7.4.1 Landscaping is to be provided and maintained so as to enhance visual amenity and contribute towards the achievement of high environmental standards on all development sites.
- 7.4.2 The area, distribution and form of landscaping of individual sites is to be determined in conjunction with each proposed development, having regard to:
- a) the layout of development, including particularly the extent and location of any uncovered car parking and service areas which may benefit from landscape screening;
 - b) the design of building façades and their relationship to adjacent streets and other public spaces;
 - c) the desirability of integrating landscape planting with stormwater management in order to achieve more water sensitive design outcomes;
 - d) the desirability of providing shade trees within or adjacent to the development so as to improve the microclimate for users of the facilities;
 - e) the need for safe and convenient pedestrian access to and within the development site, including particularly access from the street and adjacent sites; and
 - f) the desirability of providing areas within or adjacent to the site for respite and relaxation by users of the development site.
- 7.4.3 Landscape planting is to be provided and maintained so as to minimise any adverse visual impact associated with the use and development of land, and is to include:
- a) a minimum 2-metre-wide landscaping strip across all street boundaries;
 - b) a minimum 3-metre-wide landscape strip along all street boundaries within the ‘General Industry’ ‘Mixed Industrial/Business’ and ‘Industrial Business’ zone areas.
 - c) provision of shade trees at a rate of one (1) tree per four (4) parking bays planted at intervals of no greater than 10 metres along any line of car parking bays. Where those bays are immediately adjacent to a building, the Council may permit the required trees in another location on site.
- 7.4.4 Having regard to the amount and quality of landscaping to be provided in conjunction with any proposed development, the Council may impose a requirement for up to 10 per cent of the area of the development site to be allocated for landscaping and useable open space.
- 7.4.5 Landscaping should be designed where possible to be contiguous in nature and to be practical both visually and for shade and drainage purposes. Small, unconnected or impractical areas which are provided solely to meet area requirements should be avoided. The Council may consider that such areas do not count towards landscaping area requirements.

7.5 Car parking and vehicular access

- 7.5.1 Car parking is to be provided in accordance with the standards for respective uses detailed in Schedule 8, unless otherwise approved by the Council. Unless otherwise approved or required by the Council, required car parking is to be provided on the site of the proposed development.
- 7.5.2 Parking spaces and maneuvering areas shall be designed in accordance with standards for off-street parking, and paved, kerbed, drained and marked to the satisfaction of the Council.
- 7.5.3 When considering an application for planning consent, the Council shall have regard to and may impose, conditions with respect to the location of parking on the site, and the pedestrian and vehicle traffic circulation system proposed.
- 7.5.4 Safe and convenient vehicular access is to be provided to all development sites, and where required by the Council, vehicular access is to be provided to service any required car parking or service areas provided on the development site.
- 7.5.5 The location and design of vehicular access to any road is to be subject to the Council’s approval in accordance with the provisions of the Scheme. In considering any proposal for new or modified vehicular access, the Council may, having regard to safety of pedestrian and vehicular traffic:

- a) determine the width of the crossover and/or vehicular access way;
- b) refuse to permit more than one vehicular access to any lot;
- c) require separate entrances and exits, and the provision of appropriate signage indicating the direction of movement;
- d) require that entrances and exits be placed in positions nominated by the Council; or
- e) require an agreement to be entered into so as to provide for shared use of vehicular access ways in favour of users of adjacent properties.

7.6 Shared use of parking facilities

- 7.6.1 Parking facilities may be shared between two or more owners or users of land or by one owner or user in respect of separate buildings or uses, subject to the satisfaction of the standards and requirements set out in this clause.
- 7.6.2 The Council may permit the parking spaces for a building or use to be provided jointly with any one or more other buildings or uses whether or not those others separately have the prescribed number of parking spaces, provided that the peak hours of operation of the buildings or uses so sharing do not substantially overlap.
- 7.6.3 The Council may require that reciprocal access and circulation arrangements are provided for any buildings or uses affected by this subclause when, in the opinion of the Council, such arrangements are deemed necessary to assure the continued access to shared parking facilities.
- 7.6.4 The following requirements shall be complied with where off-site or shared parking is proposed:
 - a) evidence shall be provided sufficient to satisfy the Council that no substantial conflict will exist in the peak hours of operation of the buildings or uses for which the joint use of parking spaces or the reciprocal access and circulation arrangements is proposed;
 - b) the number of parking spaces to be provided off-site, is sufficient to meet the shortfall in parking in respect of the development the subject of the application; and
 - c) shared use of off-site parking facilities will not result in any deficiency in parking for that site.
- 7.6.5 The Council may require an agreement to be prepared by a solicitor at the expense of the applicant, detailing the relevant arrangements for off-site or shared parking, and executed by all parties concerned. Any such agreement shall be designed to ensure that access to, and use of shared parking facilities will continue for the duration of the development for which the parking is provided, and that the arrangements for shared use of facilities are not altered without the consent of the Council.
- 7.6.6 In clause 7.6.5 'off-site' means land other than that which is the subject of the application for development approval, on which parking or access facilities are proposed to service the development the subject of the application.

7.7 Access for Loading and Unloading Vehicles

- 7.7.1 A person shall not construct or use a building for a Bulky Goods Showroom, a warehouse or an industry unless there is provided a paved access way for vehicles from the street to the rear of and to any other part of the building where provision is made in the external walls of the building for the entry of or the loading or unloading of vehicles.
- 7.7.2 The access way referred to in clause 7.7.1 shall be so constructed that all vehicles using it can enter from and return to a street in forward gear without reversing on to any part of the street.
- 7.7.3 Except as hereinafter mentioned, the access way referred to in clause 7.7.1 shall be not less than 6m in width; if the size of the lot makes the provision of a 6m wide access way impracticable the Council may permit an access way of a narrower width of not less than 3m in width.

7.8 Storage Yards

- 7.8.1 A person shall not use land for open storage purposes unless it is screened from public view by a fence or wall to the satisfaction of the Council.

7.9 Off-site impacts

7.9.1 Where a proposed development is likely, if approved, to give rise to any significant off-site environmental impacts including pollution (gaseous emissions, odours or noise) or risks such as landslides, which are likely to result in nuisance or adverse impacts on adjacent areas, the Council may:

- c) refuse the application; or
- d) approve the application subject to conditions designed to ameliorate any impact.

7.9.2 In its determination of any application for development approval, the Council is to take into consideration the potential environmental impact on the use and enjoyment of adjacent land or property, having regard to:

- e) the concentration of any pollutants (including gaseous emissions, odour and noise) or the level of risk, at the location of impact;
- f) the frequency and duration of events associated with the environmental impact;
- g) any relevant microclimatic factors likely to affect the distribution or dispersion of pollutants;
- h) the practicability and effectiveness of any amelioration measures which form part of the proposed development;
- i) any proposed earthworks on the property and potential drainage impacts which could affect adjoining properties;
- j) the potential loss of light due to high-rise buildings or construction close to any neighboring property; and
- k) the zoning, use and likely future development or occupancy of the adjacent land or property upon which the environmental impacts will impinge.

7.10 Minimum Lot Size

7.10.1 The minimum lot size shall be 2000m².

7.11 Effluent disposal

7.11.1 Where a proposed business or industry involves the discharge of effluent, other than that associated with staff toilet facilities, then either:

- a) the premises must be connected to a reticulated sewerage system, or
- b) where a connection to reticulated sewerage is not available, the premises are to be serviced by an on-site disposal and/or collection system of such capacity and design as to prevent pollution of (including nutrient discharge to) any ground or surface water systems in the vicinity of the site.

7.11.2 **Note:** although no centralized reticulation system is currently available in the Council area, there may be opportunity to provide a self-contained system for a large comprehensive urban development project in future.

7.11.3 Where, either because of the nature or quantity of effluent to be discharged, or the characteristics of the site and its environment, the requirements for effluent disposal referred to in clause 7.11.1 cannot be met to the satisfaction of the Council, the application may be refused notwithstanding that the use of the site may be designated 'P' in the Zoning Table.

PART 8 — URBAN DEVELOPMENT ZONE REQUIREMENTS AND INDUSTRIAL DEVELOPMENT ZONE REQUIREMENTS

This Part applies to any Urban Development Zone and/or Industrial Development Zone, unless expressly stated to the contrary in a clause of this Part.

8.1 Subdivision and Development

- 8.1.1 Subdivision and Development within the Urban Development Zone and the Industrial Development Zone shall be in accordance with an approved Development Plan prepared in accordance with Part 4 of the Deemed Provisions.
- 8.1.2 Where a use identified on a Development Plan refers to a use that does not correspond to a Zone or Reserve, a subsequent Development Plan is required to be prepared for that area in accordance with Part 4 of the Deemed Provisions.

PART 9 — SPECIAL CONTROL AREAS

This Part includes special requirements for development in areas identified on the Scheme Maps or any other included documentation as Special Control Areas (SCA). These requirements should be read in conjunction with the general requirements of Part 4 and the requirements applicable to particular zones under other Parts of this Scheme as well as any specific provisions applicable to individual sites.

9.1 Operation of special control areas

9.1.1 The following SCA are shown on the Scheme Maps or in other included documentation:

- a) GPV Multi-Hazard Integrated Risk Zoning Map areas noted as High or Very High Risk
- b) Public drinking water resource catchment protection areas (partly within Shefa Province)
- c) Foreshore protection areas
- d) Landscape Protection areas
- e) Environmental Hazard Impact Areas
- f) Any others that the Council or other Agencies may designate

9.1.2 In respect of a SCA shown on a Scheme Map or other included documentation, the provisions applying to the SCA apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme. The designation of particular parts of the area within a SCA should not be interpreted to imply that areas outside the designated areas have none of the risks, hazards or values specifically ascribed to land within the designated areas.

9.2 GPV Multi-Hazard Integrated Risk Zoning

9.2.1 High Risk Areas are defined on the attached documentation in Appendix 2 in accordance with the findings of the updated Greater Port Vila Resilient Urban Development Strategy and Action Plan (GPV RUDSAP) dated January 2024 which enables quantification of risk to assets and people in the area. The areas shown are a combination of the assessed risks from a range of specific hazards including tsunamis, coastal inundation, inland flood and landslides. The purpose of this designation is to especially highlight the potential for flooding within this area and to provide a basis for the avoidance and/or minimisation of flood damage associated with any development in this area.

9.2.2 The assessed exposure to both earthquake and wind was considered High for the whole of the GPV.

9.2.3 Potential risks from earthquakes are harder to predict given the varying characteristics and strength of each event and the structural integrity of built structures. Potentially hazardous areas, e.g. along or near fault lines or where liquefaction may occur, will continue to be identified and incorporated into the knowledge base for affected sites. This information will then be used by the Council in the event of an application for development on such sites being made. The Council has the option to: refuse any such application; specify a suitable buffer around such hazard; request the preparation of engineering proposals which would be designed to address any such hazards; and/or request any other information that it considers necessary prior to determining any development application.

9.2.4 All building development or earthworks within High or Very High Multi-Hazard Integrated Risk Zoning Areas, shall be subject to a requirement for development approval, and shall be subject to the discretion of the Council, notwithstanding that the use may be designated a 'P' use under the Scheme.

9.2.5 No building or filling is to take place within identified zones, except for public works undertaken with the approval of the Council in consultation with the Department of Environmental Protection and Conservation.

9.2.6 Unless otherwise approved by the Council, all habitable buildings constructed within the identified zones are to have a floor level of at least 0.5 metre above the prevailing 1 in 100-year flood level.

9.2.7 Where building is approved within the High and Very High Multi-Hazard Integrated Risk Zoning Areas, special measures are to be employed to protect the foundations from water erosion during extreme flood events.

- 9.2.8 The Council may refuse any application for development approval or impose conditions on any development approval in High and Very High Multi-Hazard Integrated Risk Zoning Areas so as to:
- a) constrain the location of development;
 - b) control the form of construction, including foundations and associated works; and
 - c) determine the form, location and construction of access;

9.3 Public drinking water resource catchment protection areas

- 9.3.1 Public Drinking Water Resource Catchment Protection Areas are defined on the Scheme Map in accordance with gazetted documentation. The purpose of this designation is to provide a basis for the protection of those resources through the control of land use or development, which has the potential to prejudice the quality of water supplies for public use.
- 9.3.2 The boundary of the gazetted area includes land within both the Council and Shefa Province.
- 9.3.3 All development (including use of land, the removal of vegetation and earthworks) within a Public Drinking Water Resource Catchment Protection Area shall be subject to a requirement for development approval and shall be subject to the discretion of the Council,
- 9.3.4 There will be a general presumption against any development or use of land, which is not compatible with Public Drinking Water Resource Catchment Area or which involves a significant risk to the resource

9.4 Foreshore protection areas

- 9.4.1 Foreshore development is regulated by the Foreshore Development Act (Cap 80) of 1976 and as amended. It is administered by the Department of Urban Affairs and Planning (DUAP) within the Ministry of Internal Affairs. For the purposes of that Act “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.
- 9.4.2 A person must not undertake, cause or permit to undertake any development on the foreshore of the coast of any island in Vanuatu without the written consent of the Minister. An application for the consent of the Minister to the undertaking of such development shall be in the form set out in the regulations and the applicant shall supply all particulars required to be given in such form with the prescribed application fee. The applicant shall deliver a copy of his application to the Council 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. The applicant must advertise publicly, sufficient particulars of the proposed development in a manner determined by the Council. An advertisement required under this legislation must state that an application is available for inspection at the office of the Council.
- 9.4.3 The purpose of this designation is to highlight the environmental significance of these resources, the opportunities for the enhancement or rehabilitation of foreshore functions, to provide a basis for the avoidance and/or minimisation of degradation associated with any development in the vicinity of these areas and to ensure that the danger from any potential hazards are taken into account in any development proposal.
- 9.4.4 In its determination of any application for development approval and its advice in relation to land subdivision, the Council is to have particular regard to:

- a) the environmental quality objectives contained within any relevant policies under the Foreshore Development Act of 1976 and as amended and Environmental Protection and Conservation Act (CAP 283) of 2002 and as amended, relating to foreshore development;
- b) the underlying soil composition and geology and any provision for addressing the impacts of potential hazards such as earthquakes;
- c) the potential impact of the proposal on the environmental values of the resource, including shoreline function, vegetation communities and habitat types, hydrology and water quality;
- d) the quantities and characteristics of any chemicals such as pesticides, hydrocarbons or fertilizers associated with the proposed land use or development;
- e) the practicability and cost of any ameliorative measures proposed for the protection of the resource;
- f) the existing level of protection of the resource provided, with reference to fencing and/or management of land and location of development;
- g) the nature, location and performance of any existing or proposed effluent disposal system; and
- h) the drainage characteristics of the land, including surface and groundwater flow.

9.4.5 The DUAP may refuse any application for development approval or impose conditions on any development approval in order to protect the resource and its associated values and beneficial uses.

9.5 Landscape and protection areas

9.5.1 Landscape Protection Areas are defined on the Scheme Map based on mapping work undertaken by the DUAP and the Council. The purpose of this designation is to highlight the importance of areas of quality landscapes and to provide a basis for the avoidance and/or minimisation of degradation associated with development in the resource areas and in some circumstances the enhancement of landscape values.

9.5.2 All development (including use of land, the removal of indigenous vegetation and earthworks) within Landscape Protection Areas, shall be subject to a requirement for development approval, and shall be subject to the discretion of the Council, notwithstanding that the use may be designated a 'P' use under the Scheme.

9.5.3 In its determination of any application for development approval and its advice in relation to land subdivision, the Council is to have particular regard to:

- a) the potential impact of the proposal on the value of the resource, including its ecological and landscape values and its value as a corridor for fauna movement;
- b) the practicability and cost of any ameliorative measures proposed for the protection of the resource;
- c) the existing level of protection of the resource provided, with reference to fencing and/or management of land and visibility of any buildings; and
- d) the nature, location and performance of any existing or proposed effluent disposal system.

9.5.4 The Council may refuse any application for development approval or impose conditions on any development approval so as to protect and/or enhance the resource.

9.6 Prime agricultural land protection area

9.6.1 Prime Agricultural Land Protection Areas are defined on the Scheme Map. The purpose of this designation is to highlight the importance of these resources; to provide a basis for their on-going and sustainable use for a variety of productive agricultural purposes; to prevent incompatible land uses being established, impinging on current productive agricultural and horticultural uses; and to ensure human health and amenity is considered in any proposals involving creation of new lots or new dwellings.

9.6.2 All development other than agricultural or horticultural use and ancillary development, within Prime Agricultural Land Protection Areas, shall be subject to a requirement for development approval, and shall be subject to the discretion of the Council, notwithstanding that the use may be designated a 'P' use under the Scheme.

- 9.6.3 In its determination of any application for development approval and its advice in relation to land subdivision, the Council is to have particular regard to:
- a) the potential impact of the proposal on the value and continued productive agricultural use of the resource; and
 - b) the contribution (if any) of the proposed development to the on-going productive use of the land resource.
- 9.6.4 The Council may refuse any application for development approval or impose conditions on any development approval so as to protect the resource;

9.7 Areas of potential environmental hazard impacts

- 9.7.1 Areas of potential environmental hazard impacts are defined on the Scheme Map or other included documentation. The purpose of these designations is to:
- a) highlight the potential for diminished environmental quality in the vicinity of rural and industrial activities involving gaseous emission, odours, dust, noise or risk likely to result in nuisance or adverse impacts on adjacent areas; and
 - b) provide a basis for the avoidance and/or minimisation of the environmental impacts associated with the activity concerned.
- 9.7.2 All residential development within an area of potential environmental hazard impact, shall be subject to a requirement for development approval, and shall be subject to the discretion of the Council, notwithstanding that the use may be designated a 'P' use under the Scheme.
- 9.7.3 In its determination of any application for development approval, the Council is to take into consideration the potential impact of any use of the adjacent land on the use and enjoyment of the proposed development, having regard to:
- a) the concentration of any pollutants (including gaseous emissions, odour and noise) or the level of risk, at the location of impact;
 - b) the frequency and duration of events associated with any environmental impact;
 - c) any relevant microclimatic factors likely to affect the distribution or dispersion of pollutants;
 - d) the duration or estimated duration of the development responsible for the environmental impact, in the event that there is a firm proposal to relocate the facility;
 - e) the nature and occupancy of the proposed development upon which any environmental impacts will impinge; and
 - f) the practicability and effectiveness of any amelioration measures which form part of the proposed development.
- 9.7.4 The Council may refuse any application for development approval or impose conditions on any approval so as to minimise the impact of any environmental characteristics on the proposed development.

PART 10: DEVELOPMENT CONTRIBUTION AREAS

This Part is to enable a Development Contribution Plan to be prepared to share the costs of the provision of specific items of infrastructure by one or more landowners in a Development Contribution Area or as deemed necessary by the Council for the development to be adequately serviced and connected to appropriate infrastructure.

Development Contribution Areas are described in Special Control Area Maps and Schedule 10, which sets out the infrastructure to which cost sharing arrangements relate and the cost sharing arrangements which apply.

10.1 Interpretations

- 10.1.1 In this part, unless the context otherwise requires: **Cost Contribution**” means the contribution to the cost of Infrastructure payable by an Owner or Owners under this part, the Municipalities Act (Schedule section 26, clauses 16 and 17) and the applicable Development Contribution Plan;
- 10.1.2 **“Infrastructure”** means services and facilities which, in accordance with the Council’s policy, it is reasonable for an Owner or Owners to make a Cost Contribution towards; and
- 10.1.3 **“Owner”** means an owner of land that is located within a Development Contribution Area.

10.2 Purpose

- a) To identify areas requiring Cost Contributions that relate to subdivision and development.
- b) To provide for the equitable sharing of the costs of Infrastructure between Owners and in particular, to ensure that Cost Contributions are only required towards such infrastructure as is reasonably required as a result of the subdivision and development of land in the Development Contribution Area.
- c) To ensure that owners and developers cover a proportion of the costs of any public infrastructure which may be required to adequately support and service the proposed development
- d) To coordinate the timely provision of infrastructure.

10.3 Development Contribution Plan Pre-requisite to Subdivision and Development

- 10.3.1 Where a Development Contribution Area is prescribed in the Scheme, all Owners within that Development Contribution Area are required to make a Cost Contribution in accordance with the applicable Development Contribution Plan contained in Schedule 10 and the provisions of this part.
- 10.3.2 The Development Contribution Plan for any Development Contribution Area does not have effect until it has been incorporated in Schedule 10 as part of the Scheme.
- 10.3.3 The Council is not to support subdivision and/or development in a Development Contribution Area until a Development Contribution Plan is in effect and the Owner who has applied for subdivision and/or development has made arrangements in accordance with Section 10.6 for the payment of the Owner’s Cost Contribution.
- 10.3.4 Where a Development Contribution Plan is necessary but is not in effect, the Council may support subdivision and/or development where the Owner has made other arrangements satisfactory to the Council with respect to the Owner’s contribution towards the provision of Infrastructure in the Development Contribution Area.

10.4 Content and Principles of Development Contribution Plans

- 10.4.1 The Development Contribution Plan is to specify:

- a) the Development Contribution Area to which the Development Contribution Plan applies;
 - b) the Infrastructure to be funded through the Development Contribution Plan;
 - c) the method of determining the Cost Contribution of each Owner towards the Infrastructure to be funded through the Development Contribution Plan; and
 - d) the period during which it is to operate, but in any event, should not operate for more than 5 years, unless specified in Schedule 10 or by Council.
- 10.4.2 The period during which a Development Contribution Plan is to operate may be extended by the Council and the Development Contribution Plan may be amended accordingly.
- 10.4.3 The Development Contribution Plan for any Development Contribution Area is to be prepared in accordance with the following principles unless otherwise specified in Schedule 10:
- a) it is to provide for Cost Contributions to only the cost of such Infrastructure as fairly and reasonably relates to, and is reasonably required as a result of, the subdivision and development of land in the Development Contribution Area;
 - b) it is to provide for Cost Contributions generally in accordance with the Council's policies on developer contributions for Infrastructure;
 - c) matters requiring land contribution, such as public open space, are to be treated as the cost of Infrastructure with any necessary adjustments to establish, where appropriate, a money equivalent;
 - d) the Cost Contribution is to be based upon the proportion that the area or value of that Owner's land bears to the total area or value of land within the Development Contribution Area;
 - e) the Cost Contribution is to take into account the highest and best uses attainable for the Owner's land; and
 - f) the cost of Infrastructure is to be based on amounts expended, but when an expenditure has not occurred, it is to be based on the best and latest estimated costs available to the Council.
- 10.4.4 For the purposes of the above, in calculating both the area of an Owner's land and the total area of land in a Development Contribution Area, the area of land provided or required in that Development Contribution Area for the following is to be excluded:
- a) roads designated under the region planning scheme as Primary Regional Roads and Other Regional Roads;
 - b) existing public open space and land reserved for Parks and Recreation under the region planning scheme;
 - c) government primary secondary schools and public utilities;
 - d) such other land as is set out in the Development Contribution Plan; and
 - e) the land areas of any other developments, which in the opinion of the Council have a limited subdivision or development potential.
- 10.4.5 Where a Development Contribution Plan contains estimated costs, such estimated costs are to be reviewed at least annually by the Council in accordance with the best and latest information available to the Council until the expenditure on the relevant item of Infrastructure has occurred.
- 10.4.6 Where requested in writing by an Owner, the Council is to have such estimated costs independently certified by an appropriate qualified person at the owner's cost.
- 10.4.7 Where any Cost Contribution has been calculated on the basis of an estimated cost for Infrastructure, the Council may:
- a) adjust the Cost Contribution of any Owner in accordance with the revised estimated costs or the final expenditure; or
 - b) accept a Cost Contribution based upon estimated costs as a final Cost Contribution and may enter into an agreement with an Owner accordingly.
- 10.4.8 Where an Owner's Cost Contribution is adjusted under clause 10.4.7, the Council, on receiving a request in writing from an Owner, is to provide the Owner with a copy of estimated costs and the calculation of adjustments.

10.5 Liability for Cost Contributions

10.5.1 An Owner's liability to pay the Owner's Cost Contribution to the Council arises on the earlier of:

- a) prior to the Council confirming that conditions of subdivision or strata approval supervised by the Council and imposed on an application to subdivide, strata title or amalgamate the Owner's land within the Development Contribution Area have been complied with;
- b) prior to the Council endorsing its approval on the relevant plan or deposited plan (Diagram of Survey) of the amalgamation, subdivision, survey strata or strata subdivision of the Owner's land within the Development Contribution Area;
- c) at the time of carrying out any development or commencing any new or extended use on the Owner's land within the Development Contribution Area;
- d) at the time of applying to the Council for approval of any new or extended use, or any other development on the Owner's land within the Development Contribution Area;
- e) prior to the Council providing written advice confirming that conditions relating to a survey strata or strata subdivision within a Development Contribution Area have been complied with.
- f) prior to the issue of a Building Permit or Building Approval Certificate for any development (including land use) on the land of an Owner within a Development Contribution Area have been complied with; or
- g) on the expiry of the Development Contribution Plan.

10.6 Collection and Enforcement

10.6.1 The Owner, with the agreement of the Council, is to pay the Owner's Cost Contribution by:

- a) transfer to an official Council reserve bank account (see clause 10.7.1);
- b) transferring to the Council land to the value of the Cost Contribution;
- c) some other method acceptable to the Council; or
- d) any combination of these methods.

10.6.2 The Owner, with the agreement of the Council, may pay the Owner's Cost Contribution in a lump sum, by instalments or in such other manner as agreed with the Council.

10.6.3 The amount of any Cost Contribution for which an Owner is liable, but has not paid, is a charge on the Owner's land to which the Cost Contribution relates, and the Council may lodge a caveat against the Owner's title to that land.

- a) The Council may, at the Owner's expense and subject to such other conditions as the Council thinks fit, withdraw a caveat lodged under clause 10.6.3 to permit a dealing and then re-lodge the caveat to prevent further dealings.
- b) If the Cost Contribution is paid in full, and if requested to do so by the Owner, the Council may, at the expense of the Owner, withdraw any caveat lodged in accordance with clause 10.6.3.

10.7 Administration of Funds

10.7.1 The Council is to establish and maintain a reserve account in accordance with the Municipalities Act (Part 9) for each Development Contribution Area into which Cost Contributions for that Development Contribution Area will be credited and from which all payments for the cost of Infrastructure within that Development Contribution Area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.

10.7.2 The Council is to make available an audited annual statement of accounts for that Development Contribution Area as soon as practicable after the audited annual statement of accounts becomes available.

10.7.3 Within any Development Contribution Area the Council may satisfy the provisions of Clause 10.7.1 by establishing separate reserve accounts for Cost Contributions by individual owners or groups of owners.

- 10.7.4 Such separate reserve accounts can be kept for accounting or administration purposes including, but without limiting the generality of the foregoing, for the purpose of accounting to each owner for interest accrued on the owner's Cost Contributions relevant to a particular Development Contribution Area.
- 10.7.5 Notwithstanding clause 10.7.3, any reserve account for an individual owner is to contain only funds relevant to Cost Contributions for a particular Development Cost Contribution Area, and all individual accounts for a particular Development Contribution Area are to be identified as belonging to that Development Contribution Area.

10.8 Shortfall or Excess in Cost Contributions

- 10.8.1 If there is a shortfall in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the Council may:
- a) make good the shortfall from its municipal fund;
 - b) enter into agreements with Owners to fund the shortfall; or
 - c) raise loans or borrow from a financial institution.
- 10.8.2 but nothing in clause 10.8.1 a) restricts the right or power of the Council to impose a differential rate to a specified Development Contribution Area in that regard.
- 10.8.3 If there is an excess in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the Council is to use the excess funds for the provision of additional facilities in that Development Contribution Area.

10.9 Valuation

- 10.9.1 This clause applies if it is necessary to ascertain the value of any land for the purposes of this part.
- 10.9.2 “Value” means the fair nett expectance value inclusive of subdivisional profit from and in respect of the sale of the vacant land in its optimum subdivided form:
- a) on the basis that there are no buildings, fences or other improvements of a like nature on the land;
 - b) on the assumption that any rezoning necessary for the purpose of the development has come into force; and
 - c) taking into account the added value of all other improvements on or appurtenant to the land.
- 10.9.3 “Valuer” means a licensed valuer agreed by the Council and the Owner.
- 10.9.4 If any Owner objects to a valuation made by the Valuer, the Owner may give notice to the Council requesting a review of the amount of the Value, at the Owner's expense, within 28 days after being informed of the Value.
- 10.9.5 If the Valuer does not change the Value of the land to a figure acceptable to the Owner, the Value is to be determined under clause 10.9.1.
- 10.9.6 At the request of the Council or the Owner, the Value placed upon the land of an Owner may be revised from time to time by a Valuer. Where the Council does not consider a revised valuation necessary, the owner is liable for costs associated with re-valuation.
- 10.9.7 The Valuer may: reconsider the Values placed on other land in the Development Contribution Area; and make such revisions as considered just and equitable to those Values if the Valuer considers this is necessary as a result of a re-valuation made under clause 10.9.6.
- 10.9.8 The date of valuation is the date that the Owner's liability to pay the Owner's Cost Contribution to the Council arises under clause 10.5.1, or such other date as is agreed between the Council and the Owner.
- 10.9.9 Where there is a dispute or difference between the Council and the Owner regarding a Value, the dispute or difference is to be resolved as follows:

- a) by any method agreed upon by the Council and the Owner; or
- b) if the Council and the Owner cannot agree, by arbitration in accordance with prevailing arbitration practices in the country.

10.9.10 In any case, mediation of the dispute is to be attempted without prejudice to the rights of either the Council or the Owner.

10.10 Land Acquisition

10.10.1 The Council may acquire land for the carrying out of any Infrastructure works either by agreement or compulsorily under the powers conferred by section 30 of the Municipalities Act.

10.11 Arbitration

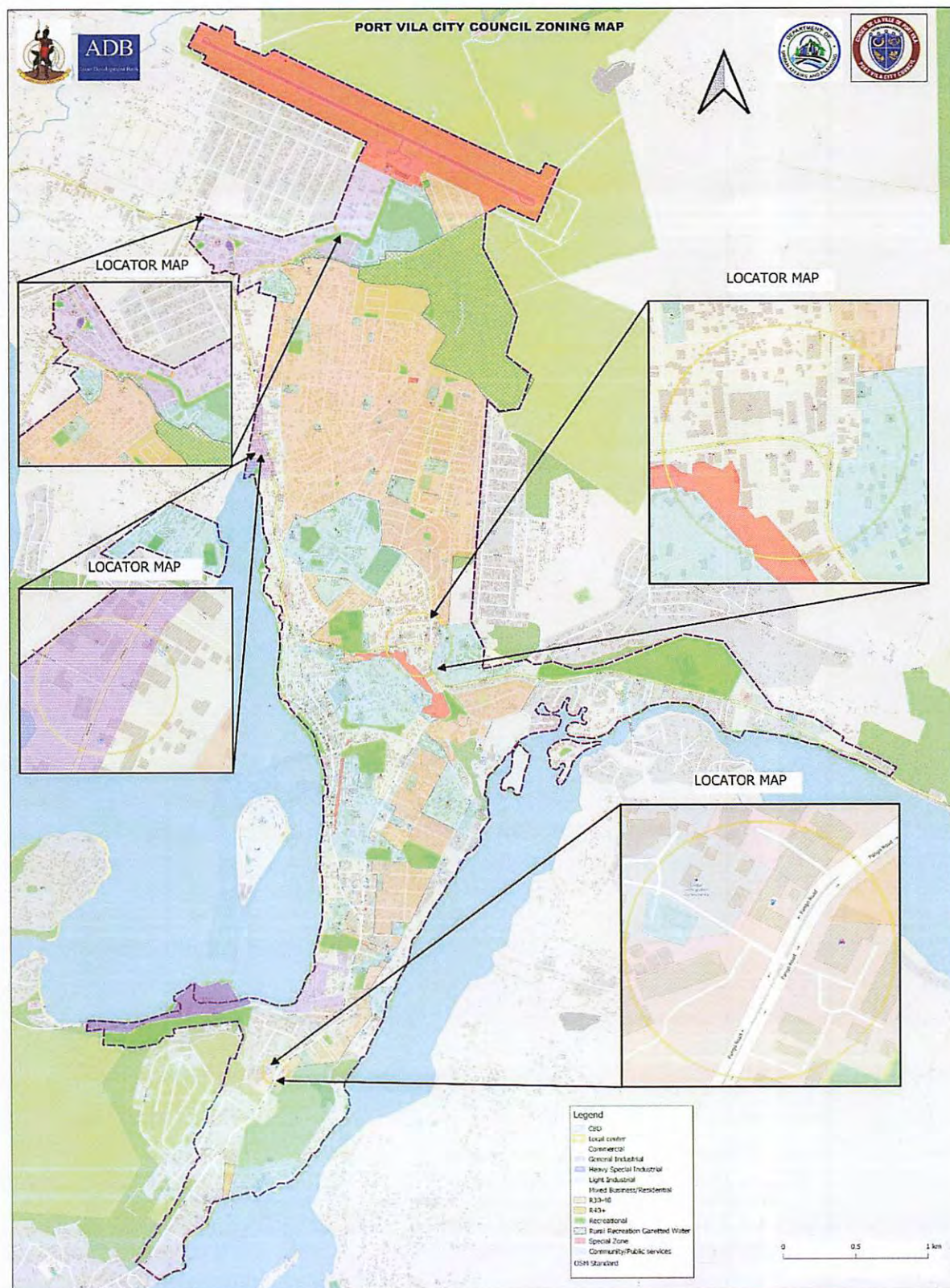
10.11.1 Subject to clause 10.9.9, any dispute between any Owner and the Council in connection with the Cost Contribution required to be made by an Owner is to be resolved by arbitration in accordance with prevailing arbitration practices in the country.

APPENDIX 1 Relevant Legislation

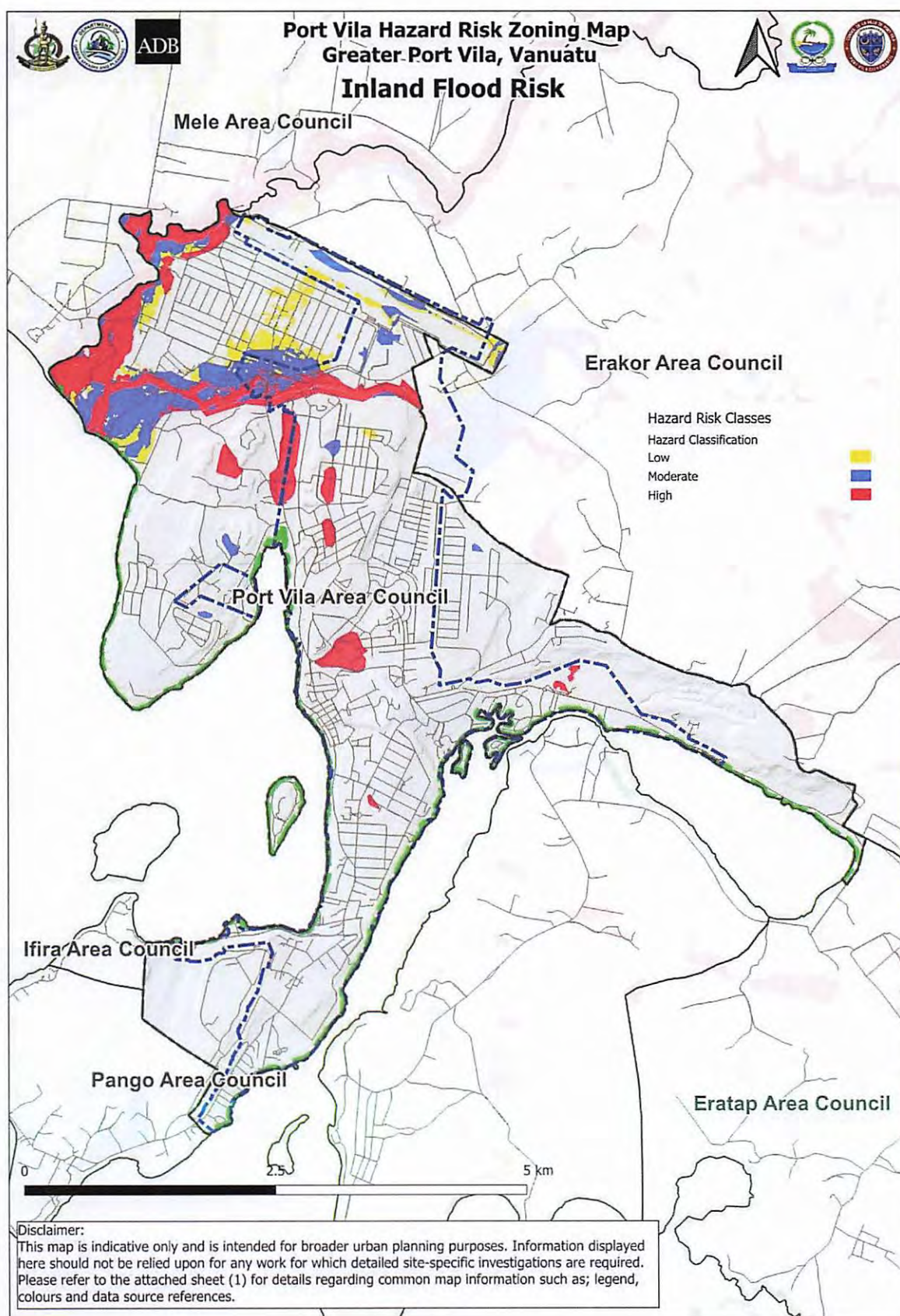
In the preparation of this document the following Acts and Policies, amongst others, have been consulted and/or relied upon:

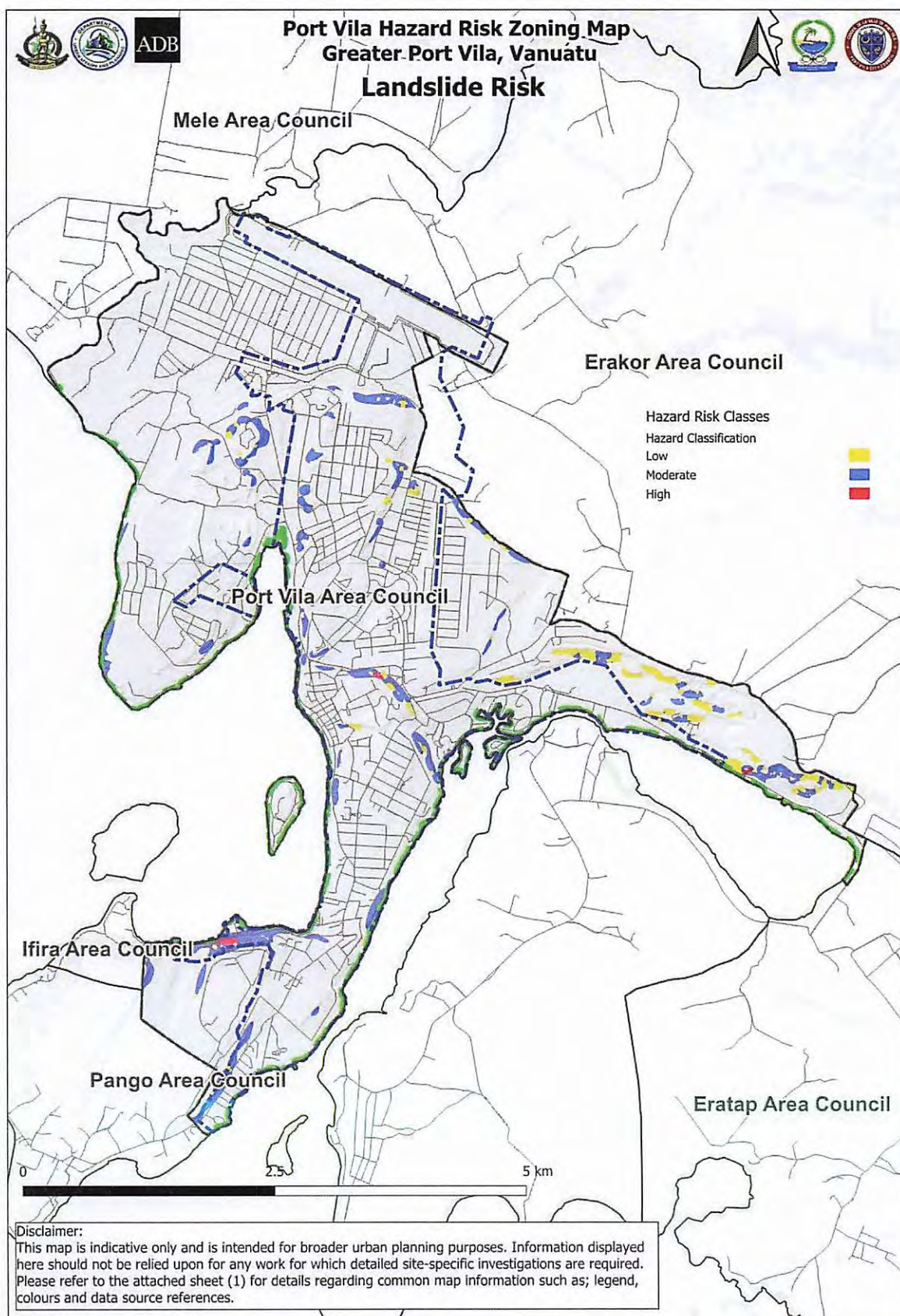
- i. Customary Land Management Act 2013
- ii. National Building Code Act 2013 (Building Code Act 2013)
- iii. Environmental Management and Conservation Act 2002
- iv. Foreshore Development Act (Amendment) 2013
- v. Land Acquisition Act 1992
- vi. Land Leases Act 1998 and Land Leases (Amendment) Act 2015
- vii. Land Reform Act 1992 and Lands Reform Amendment Act 2013
- viii. Land Surveyors Act 1988
- ix. National Sustainable Development Plan (People's Plan 2018 2018 – 2030)
- x. Maritime Act 1988
- xi. Mines and Minerals Act 1988
- xii. Municipalities (Amendment) Act 2013
- xiii. Ports Act 1988 and Ports (Amendment) Act No 11 of 1999
- xiv. Port Vila Municipal By-Laws 1979
- xv. Port Vila Municipal By-laws of 2000
- xvi. Preservation of Sites and Artefacts 1965
- xvii. Public Health Act 1994
- xviii. Public Roads (Prohibition of Encroachment) Act 1988
- xix. Strata Titles Act 2000 and Strata Titles Amendment Act 2003
- xx. Telecommunications Act
- xxi. The Decentralisation Act (Cap 230) of 1994
- xxii. The Physical Planning Act of 1986 (Cap. 193) as revised in 1988
- xxiii. The Physical Planning Act (Amendment) 2004
- xxiv. Valuation Act No 22 of 2002
- xxv. Vanuatu Land Subdivision Policy and Draft Systematic Land Subdivision Policy
- xxvi. Water Supply Act 1988
- xxvii. Draft Drainage Act 2016

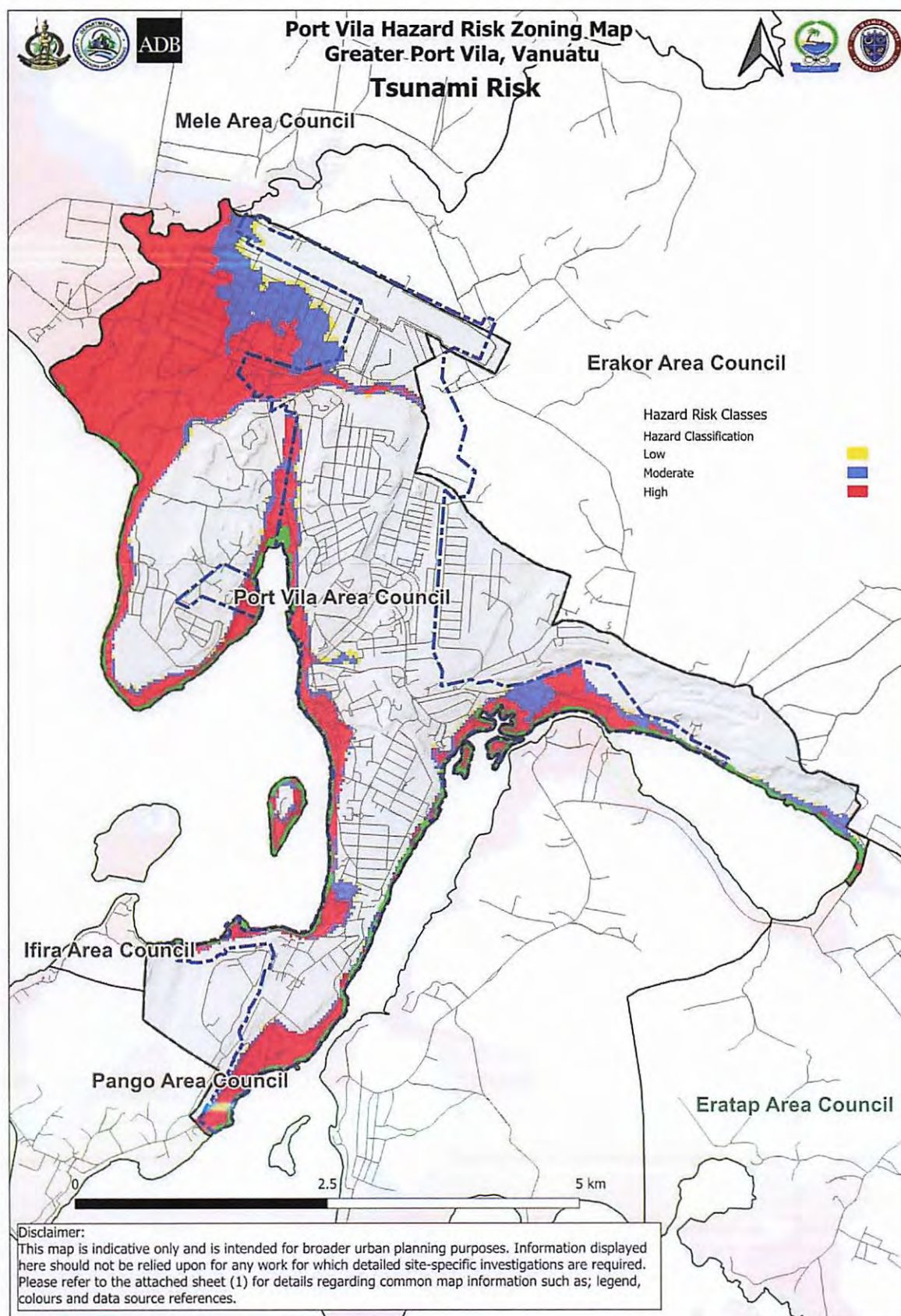
APPENDIX 2 ZONING MAP



APPENDIX 3 RUDSAP Mapping







SCHEDULES

SCHEDULE 1 – SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

SCHEDULE 2 – DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

In the Scheme, unless the context otherwise requires:

“amenity” means all those factors which combine to form the character of an area and include the present and likely future amenity;

“Building Coverage Ratio” (BCR). BCR is the ratio of the building area divided by the land (site/lot) area. Building area is the floor space of a building when looking down at it from the sky. Used for securing open space on the land, rainwater retention, preventing overcrowding, plus fire prevention, secure sunlight/ventilation and/or preserve the scenery

“commercial vehicle” means a licensed or unlicensed vehicle (including any trailer or attachment) whether in a serviceable condition or not, used, designed or intended to be used in the course of trade or commerce and includes vehicles described in any prevailing Road Traffic legislation, but does not include a caravan, farm tractor, motor car, motor carrier, motor cycle, station sedan, station wagon or utility;

“commercial zone” means and includes the CBD and Local Centre zones as well as any other zones so denoted in the Scheme;

“common infrastructure” means those infrastructure items which are jointly required by all landowners in order to facilitate subdivision and development, and requiring a cost contribution in accordance with the Council’s policy on Developer Contributions for Infrastructure as amended from time to time;

“common infrastructure cost” means the cost of common infrastructure of any Development Area;

“contribution arrangement” means the provisions of the Scheme, and more particularly in Schedule 10, defining the common infrastructure cost of a Development Area and apportioning the common infrastructure cost between Owners in the Development Area;

“cost contribution” means the contribution to the cost of common infrastructure payable by an owner under the applicable Development Contribution Plan;

“development” has the same meaning as in section 1 of the Physical Planning Act of 1986 (Cap. 193) as revised in 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 specifically includes demolition and/or excavation;

“development area” means an area identified on the Scheme Maps in which a Development Plan is required to be prepared in accordance with the relevant Parts of this Scheme prior to subdivision and which may be further described by and subject to further additional specific provisions in Schedule 9.

“development contribution area” means the area identified on the Scheme Maps in which a development contribution plan is required to be prepared prior to subdivision in accordance with Part 5A and which may be further described by and subject to further additional specific provisions in Schedule 10 - Development Contribution Plans

“development contribution plan” is defined in Part 10;

“development envelope” means an area of land within a lot marked on a plan approved by the Council within which all buildings and effluent disposal facilities on the lot must be contained and planned in an integrated manner;

“development plan” means a plan approved by the Council and identifying the location and features of development approved by the Council including development envelopes;

“dwelling” has the same meaning as in the R-Codes;

“extraction of groundwater” means extraction of subsurface water resources and includes extraction methods such as bores or wells;

“floor area” has the same meaning as in the National Building Code for Vanuatu from 2000 as legislated in 2013;

“Floor Area Ratio” (FAR) means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located. A FAR outlines the intensity of the site use, not the height or site coverage.;

“frontage”, when used in relation to a building that is used for —
residential purposes, has the same meaning as in the R-Codes; and
purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts two (2) or more roads, the one to which the building or proposed building faces;

“Gazettal date”, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 3 of the Physical Planning Act of 1986 (Cap. 193) as revised in 1988;

“height” when used in relation to a building that is used for —

residential purposes, has the same meaning as in the R-Codes; or

purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished wall or roof height directly above;

“Heritage site” means any location contained in the Vanuatu National Heritage Registry.

“incidental use” means a use of premises which is ancillary and subordinate to the predominant use;

“industrial zone” means any Industrial Business Zone, Light Industry Zone, Special Industrial Zone or General Industry Zone;

“infrastructure” means such services and items as are or may reasonably be required to enable land to be subdivided and developed including the services reasonably required or expected to be provided in a fully developed area of the kind in question and without limiting the generality of the foregoing, may include such items as sewerage, drainage, water supply, power supply, telecommunications, thoroughfares and transport services;

“landscape, landscaping or landscaped” has the same meaning as in the R-Codes;

“Local Area Plan (LAP)” means a plan prepared by or on behalf of the Council which sets out specific development policies and zoning requirements in more detail than that provided in this Scheme. A LAP may be required for example, in large redevelopment areas or for ensuring the comprehensive planning of new greenfield sites.

“lot” has the same meaning as in the Physical Planning Act of 1986 (Cap. 193) but does not include a strata or survey strata lot;

“minerals” has the same meaning as in the Mines and Minerals Act (Cap. 190) of 1986;

“mixed zone” means any zone for which a combination of stated uses may be considered.

“net lettable area (NLA)” means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas:

- a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- b) lobbies between lifts facing other lifts serving the same floor;
- c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

“non-conforming use” has the same meaning as it has in the Physical Planning Act of 1986 (Cap. 193);

“occupier”, in relation to any land, means:

- a) the person by whom or on whose behalf the land is actually occupied and will include a lessee or licensee, and if an owner is on the land, will include the owner; or;
- b) if there is no occupier, the person entitled to possession of the land and includes the owner;

“plot ratio” means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located. See Floor Area Ratio (FAR);

“predominant use” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;

“premises” means land or buildings;

“public / pedestrian access way” has the same meaning as in Physical Planning Act of 1986 (Cap. 193).

“R-Code” represents the average number of residential units per hectare (10,000m²) which are considered currently appropriate for each neighborhood block or combination of blocks;

“retail” means the sale or hire of goods or services to the public;

“rural zone” means and includes the Rural Living Zone and any other zones which may be designated to distinguish between different types of rural zones;

“water course” means as any river, stream or creek in which water flows in a natural channel, whether permanently or intermittently;

“wholesale” means the sale of goods or materials to be sold by others;

SCHEDULE 3 – LAND USE DEFINITIONS

The Physical Planning Act (Cap 193) of 1986 and as amended sets out a list of use classes for which a move between classes represents a material change of use and thus is classified as development. These use classes are listed below with a description of their characteristics and activities. In the Scheme, unless the context otherwise requires, the following apply:

Land Use/Activity	Class	Description
Residential		R Code prescribes density and sub-division guidance
Accommodation building	12	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/office
Bed and breakfast	12	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	10	A dwelling unit used for caretaking purposes
Detached house		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	10	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	11	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	11	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/services; • Panel beating; • Vehicle detailing; • Spray painting; • Engine reconditioning or repair; • Wood working/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 that of residential.
Institutional residence	16	Use of premises for accommodation of people with mental or intellectual disabilities, or the like
Integrated tourist facility	11	Class 2 / Class 3 if Restaurant and/or Retail Liquor is included). Premises which: (a) are used primarily for facilities and activities which attract, accommodate and entertain tourists where some facilities are open to the public

Land Use/Activity	Class	Description
Residential		R Code prescribes density and sub-division guidance
		use; 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	12	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 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	11	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	11	Premises for producing organic compost to be used for gardening purposes associated with residential premises.

Land Use/Activity	Class	Description
Rural		
Agriculture		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		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 which are separately defined (being Aquaculture, Animal husbandry and Stables)
Aquaculture		Use of premises for the cultivation of live fisheries resources
Forestry		Includes: 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 re-growth; 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; and 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	8, 9	Use of premises for handling, treating, processing or packing locally grown primary products
Stable		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;

Land Use/Activity	Class	Description
Commercial		Catering, retailing or business premises/activities
Art and craft centre	18	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 instruction in the making of such art or craft.
Bottle Shop	3	Use of premises for storage and retail of liquor and ancillary products;

Land Use/Activity	Class	Description
Commercial		Catering, retailing or business premises/activities
Convenience Restaurants	2	Use of premises for the preparation of take-away meals and food for sale to the public, where provision is made for high customer turn-over, facilities can also be provided eating on the premises. The term does not include Fast-food stores or Restaurants as separately defined.
Garden centre	1	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	12	Use of premises for short term accommodation and includes dining facilities, bar facilities and other ancillary activities
Kava Bar/Kava Nakamal	1	Use of premises for the purpose of storage, preparation, consumption and retail of kava
Market	1	Use of premises for sale of home or farm produce including poultry, fish products, the sale of craft work, artifacts, where the premises comprise a single building or a number of buildings
Medical centre	17	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	6	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	2	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	1	Use of premises for the display and retail sale of goods to members of the public
General Store	1	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	1	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	5	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 or Sales and hire yards as separately defined
Super Market	1	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 450m ²
Veterinary clinic	17	Use of premises for the treatment of sick or injured animals. The term does not include Animal husbandry as separately defined

Land Use/Activity	Class	Description
Industry		All industrial activities as described below:
Art and craft centre	18	(a) use for any of the following purposes 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; (vi) the bulk storage of other goods, vehicles, equipment and materials (whether or not 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; (iv) facilities for the comfort of persons working on the site.
Car washing station	8	Premises used for washing motor vehicles by means of mechanical, hydraulic or pneumatic means
Extractive industry	9	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)		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	8	Use of premises for a business purpose for any industrial activity which is not separately defined
Heavy & Noxious industry”	9	Use of premises for a business purpose for any industrial use (as further defined in the Act) which: (a) principally involves animal products 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.
Landscape supplies	8	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 seeds, plants, tools and equipment as further defined in the Act
Light industry	7	Use of premises for business purposes for any small-scale industrial activity which is not ancillary to another use on the site and which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality; and the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services
Sales or hire yard	8	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)

Land Use/Activity	Class	Description
Industry		All industrial activities as described below:
		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	4	Use or intended use of premises for use for the sale by retail of petrol and automotive distillate or any derivatives there from; and for all or any of the ancillary purposes listed in the Act
Storage yard	5	Use as (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.
Transport station	8	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	5	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
Warehouse	5	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.

Land Use/Activity	Class	Description
Community/Public Services		
Child care centre	17	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 home-based business
Local utility (services) (Schedule 1 Activities under the Act)	18, 19, 20, 21 & UNC	Use of premises other than parkland for: (a) any of the undertakings of the Port Vila Municipal Council, SHEFA Province 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 Port Vila Municipal Council, SHEFA Province pursuant to their respective By-Laws. b) the reticulation of electricity; (c) public transport facilities other than Transport stations, Vehicle depots, Garage/Workshops or offices; and (d) telecommunications facilities
Major utility (Schedule 1 Activities under the Act)	UNC	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) telecommunication facilities
Public Restrooms	UNC	Premises for the provision of toilet facilities for public use in public open spaces, town centers, community facilities, supermarkets and the like;

Land Use/Activity	Class	Description
Community/Public Services		
(Ancillary to uses)		
Cemetery		Use of premises for the interment of the dead
Church	15	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	15	Use of premises for the conduct of meetings or gatherings and other activities of club, organization or community association
Educational establishment	17	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 canteen. The term does not include a Child care centre as separately defined
Emergency services (Schedule 1 Activities under the Act)	UNC	Use of premises for a police station, ambulance station, fire brigade or emergency services depot, not separately defined as a commercial use;
Hospital	16	Use of premises for medical or psychiatric care and treatment of patients. The term includes ancillary facilities including, administrative offices, canteen, kitchen, and the like. The term does not include a medical centre as separately defined;
Nakamal	1	Use of premises for the purpose of meetings, ceremonies, community activities and fundraisings and can include the consumption of kava;

Land Use/Activity	Class	Description
Recreation and Open Space		
Indoor recreation	20	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	21	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 clubhouse and other ancillary facilities, but does not include a public park
Park	21	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.

SCHEDULE 4 — ADDITIONAL USES

SCHEDULE 5 — RESTRICTED ZONES AND USES

SCHEDULE 6 — SPECIAL USE ZONES

SCHEDULE 7 — ADVERTISEMENTS

Approval should generally be sought by those individuals or businesses putting up advertisements on their plot as such signage is considered “development” The Council must agree that signage is accurate, appropriate for the location, is sympathetic with other surrounding uses and does not create a potential hazard to pedestrians or traffic. This particularly relates to both commercial and industrial businesses.

However, the Council may want to exempt some applicants from seeking approval particularly where the signage is small, temporary or solely locational information. All applicants should contact the Council for a decision on whether approval is required. The following provides guidance on advertising which MAY be considered exempt from seeking approval.

Land use and/or development	Exempted sign	Maximum size
Home Occupation & Home Business	One advertisement describing the nature of the home occupation or home business.	0.2m ²
Public Places and Reserves	(a) Advertisement signs (illuminated and non- illuminated) relating to the functions of government, a public authority or council of a municipality excluding those of a professional nature constructed or exhibited by, or on behalf of any such body; (b) Advertisement signs (illuminated and non- illuminated) required for the management or control of traffic on any public road, car park cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a municipality; and (c) Advertisement signs (illuminated and non- illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	Not applicable Not applicable Not applicable
Advertisements within a Building or Centre	All advertisements placed or displayed within a building or centre, which cannot ordinarily be seen by a person outside of those buildings.	Not applicable
All classes or buildings other than single dwellings	One advertisement sign affixed to the façade of the building which contains the name, number and address of the building, the purpose for which the building or the name and address of the managing agent thereof.	0.2m ²
Building construction sites as follows – (i) Dwelling Multiple Dwellings, Shops, Commercial and Industrial projects	Temporary Signs: Advertisement signs displayed only for the duration of the construction as follows - One advertisement per street frontage containing details of the project and the contractor undertaking the construction work One sign as for (i) above.	2m² 2m²

Land use and/or development	Exempted sign	Maximum size
Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height	One sign as for (i) above. One additional sign showing the name of the project builder.	10m² 5m²
Property Transactions. Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows— (a) Dwellings (b) Multiple Dwellings, Shops, commercial and industrial properties (c) Large properties comprised of shopping centres, buildings in excess of four storeys and (d) rural properties in excess of 5 ha	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed. One sign as for (a) above. One sign as for (a) above.	Each sign shall not exceed an area of 2m². Each sign shall not exceed and area of 2m². Each sign shall not exceed an area of 10m².
Display Homes. Advertisement signs displayed for a period over which homes are on display for public inspection.	One sign only for each dwelling on display, erected on the property boundary. Or One sign for each group of dwellings displayed by single project builder giving details of the project building company and details of the range of dwellings on display.	2m² 5m²

Note: All advertisements shall be of professional quality, kept clean and free from unsightly matter and maintained at all times in good order and repair.

SCHEDULE 8 — CAR PARKING STANDARDS

The car parking standards apply as follows:

Land Use	Minimum Parking Standard
Aged or Dependent Persons Dwelling	One car space per four bedrooms, plus one car space for each staff member on site.
Amusement Parlour	6 spaces per 100 square metres of NLA
Ancillary Accommodation	1 space in addition to requirement for principal dwelling
Animal Establishment	1 space for every 10 animals the facility is designed to accommodate, plus 1 space for every employee. Minimum 4 spaces
Bed and Breakfast	1 space per unit of accommodation in addition to requirement for principal dwelling
Betting Agency	6 spaces for every 100 square metres NLA
Bulky Goods Showroom	3 spaces per 100 square metres NLA of display or sales area, plus 2 spaces per 100 square metres of storage area.
Caretaker's Dwelling	2 spaces (as for Single House)
Child Care Premises	1 space per every 8 children allowed under maximum occupancy, plus 1 space per employee or staff member
Cinema/Theatre	1 space per employee or staff member, plus 1 space per every 2.5 square metres of seating area
Civic Use	1 space for every 5 persons the facility is designed to accommodate
Club Premises	As per Hotel where applicable to particular use, or as otherwise determined by the Council.
Community Purpose	1 space for every 5 persons the facility is designed to accommodate
Consulting Rooms	6 spaces for every consulting room used at any one time
Convenience Store	6 spaces per 100 square metres of NLA. Minimum 4 spaces
Educational Establishment	
- Pre-Primary	1 space for every staff member, plus 1 space for every 2 students
- Primary School	1 space for every staff member, plus 14 drop-off spaces for every 100 students
- Secondary School	1 space for every staff member, plus 7 drop-off spaces for every 100 students.
Exhibition Centre	6 spaces for every 100 square metres of NLA
Family Day Care	1 space in addition to residential requirements
Fast Food Outlet	1 space for every 2.5 square metres waiting area with a minimum of 3 spaces, plus 1 space for every 5 square metres seating area, plus 4 car queuing spaces for any drive through facility.
Funeral Chapel	1 space for every 2.5 square metres seating area, plus 1 space for every staff member present during services.
Funeral Parlour	1 space for every staff member. Minimum 4 spaces
Garden Centre (Retail)	2 spaces for every 100 square metres display or sales area, Minimum 4 spaces
Grouped Dwelling	3 spaces per 2 dwellings
Holiday Accommodation	1 space per unit of accommodation or 1 space for every 5 beds whichever is the greater.
Home Business & Rural Home Business	1 space for every staff member not living on the premises, plus 2 spaces for client parking
Home Occupation	Nil in addition to residential requirements
Home Office	Nil in addition to residential requirements
Home Store	6 spaces per 100 square metres of NLA. Minimum 4 spaces
Hospital	1 space for every 4 beds provided plus 4 spaces for every 100 square metres of out-patient treatment area including waiting rooms.

Land Use	Minimum Parking Standard
Hotel	1 space for every 2.5 square metres of bar area, plus 1 space for every 5 square metres of lounge or beer garden area; 1 space for every 5 seats provided or 1 space for every 5 square metres of eating area, whichever is the greater 1 space for every 5 seats provided in assembly area, or 1 space for every 2.5 square metres of assembly, whichever is the greater 1 space for each bedroom or residential unit.
Industry - Cottage	2 spaces per 100 square metres of industrial area, or 1 space per person employed, whichever is greater.
Industry - Extractive	1 space for every person employed.
Industry - General	2 spaces per 100 square metres of industrial area, or 1 space per person employed, whichever is greater. Minimum 4 spaces per tenancy.
Industry - Light	2 spaces per 100 square metres of industrial area, plus 1 space per person employed, whichever is greater. Minimum 4 spaces per tenancy.
Industry - Mining	1 space for every person employed.
Industry - Service	4 spaces per 100 square metres of floor space open to the public, plus 2 spaces per 100 square metres industrial area, or 1 space per person employed, whichever is greater. Minimum 4 spaces per tenancy.
Kava Bar/Kava Nakamal	6 spaces per 100 square metres of NLA
Liquor Store - Small or Large	6 spaces per 100 square metres of NLA
Lunch Bar	6 spaces per 100 square metres NLA
Market	6 spaces per 100 square metres of market area.
Medical Centre	4 spaces for every consulting room used at any one time
Motel	1 space for each bedroom or unit, plus 1 space for every staff member present at any one time, plus 1 space for every 5 square metres dining area.
Motor Vehicle Repair	4 spaces to each working bay, plus 1 space for every person employed on site
Motor Vehicle Wash	5 spaces for every 2 wash stalls. (A wash stall shall be counted as a parking space.)
Motor Vehicle and Boat Sales	1 space for every 100 square metres display area, plus 1 space for every employee. Minimum 4 spaces
Multiple Dwelling	3 spaces per 2 dwellings
Night Club	1 space for every 2.5 square metres of public bar area, plus 1 space for every 5 square metres of lounge/garden area
Office	3 spaces per 100 square metres NLA, Minimum 4 spaces per tenancy
Place of Worship	1 space for every 2.5 square metres seating area, plus 1 space for every staff member present during peak operation
Reception Centre	1 space for every 5 seats, or 1 space for every 5 persons the facility is designed to accommodate, or 1 space for every 5 square metres dining area, whichever is the greater
Recreation Gymnasium Health Studio Bowling Alley Swimming Pool Squash Courts Spectator Seating Dining/Drinking Staff	1 space for every 10 square metres net floor area 1 space for every 10 square metres net floor area 4 spaces for every lane 1 space for every 20 square metres pool area 2 spaces for every court 1 space for every 5 seats provided 1 space for every 5 square metres floor space 1 space for every staff member present at any one time
Recreation - Public	1 space for every 5 persons, based on the maximum capacity of all facilities when used simultaneously.
Residential Building	1 space per bed and 1 space per staff member present at any one time.
Restaurant	1 space for every 5 seats or 1 space for every 5 square metres seating area, whichever is the greater.

Land Use	Minimum Parking Standard
Restricted Premises	6 spaces per 100 square metres of NLA (as per Shop)
Service Station	4 spaces for every working bay
Shop	6 spaces per 100 square metres of NLA
Single Bedroom Dwelling	1 space
Single House	2 spaces (for 3 or less bedrooms). 3 spaces for 4 or more bedrooms
Small Bar	1 space for every 2.5 square metres of bar area, plus 1 space for every 5 square metres of lounge or beer garden area; 1 space for every 5 seats provided or 1 space for every 5 square metres of eating area, whichever is the greater; 1 space for every 5 seats provided in assembly area, or 1 space for every 2.5 square metres of assembly, whichever is the greater.
Storage	2 spaces per 100 square metres of storage area, or 1 space per person employed, whichever is greater. Minimum 4 spaces per tenancy.
Tavern	1 space for every 2.5 square metres of bar area, plus 1 space for every 5 square metres of lounge or beer garden area; 1 space for every 5 seats provided or 1 space for every 5 square metres of eating area, whichever is the greater 1 space for every 5 seats provided in assembly area, or 1 space for every 2.5 square metres of assembly, whichever is the greater
Trade Display	2 spaces per 100 square metres NLA of display or sales area.
Transport Depot	1 space for every person employed.
Vehicle Wrecking	1 space for every person employed, plus 2 spaces per 100 square metres of storage area.
Veterinary Centre	4 spaces per veterinary practitioner, plus 1 space for every 10 animals the facility is designed to accommodate
Warehouse	2 spaces per 100 square metres of storage area, or 1 space per person employed, whichever is greater. Minimum 4 spaces per tenancy.
All other uses	To be negotiated with the Council at the time of an application for approval to commence development

Note: A normal car parking space measures at least 5m by 2.5m.

SCHEDULE 9 – DEVELOPMENT PLANNING AREAS

SCHEDULE 10 – DEVELOPMENT CONTRIBUTION PLANS

SCHEDULE 11 - AMENDMENTS INCORPORATED IN SCHEME TEXT

ADOPTION

ADOPTED BY RESOLUTION OF THE PORT VILA CITY COUNCIL AT THE GENERAL MEETING OF
THE COUNCIL HELD ON 23rd MAY 2025



LADY MAYOR OF PORT VILA CITY COUNCIL
JENNY REGENVANU



09 June 2025

DATE



TOWN CLERK TO THE CITY COUNCIL
DAVID HOPA



09 June 2025

DATE



REPUBLIC OF VANUATU

VANUATU TOURISM OFFICE ACT [CAP 142]

Notice of Appointment – Member of the Vanuatu Tourism Office **Notice No. 39 of 2025**

Pursuant to paragraph 5(1A)(a) and section 8A of the Vanuatu Tourism Office Act [CAP 142], LOIC BERNIER is appointed by the Vanuatu Hotel and Resorts Association, as its representative to be a member of the Vanuatu Tourism Office.

OFFICE OF THE ATTORNEY GENERAL



REPUBLIC OF VANUATU

VANUATU TOURISM OFFICE ACT [CAP 142]

Notice of Appointment – Member of the Vanuatu Tourism Office **Notice No. 40 of 2025**

Pursuant to paragraph 5(1A)(d) and section 8A of the Vanuatu Tourism Office Act [CAP 142], ROB MACALISTER is appointed by the Vanuatu Tour Operations Association, as its representative to be a member of the Vanuatu Tourism Office.

OFFICE OF THE ATTORNEY GENERAL



REPUBLIC OF VANUATU

VANUATU TOURISM OFFICE ACT [CAP 142]

Notice of Appointment – Member of the Vanuatu Tourism Office **Notice No. 41 of 2025**

Pursuant to paragraph 5(1A)(f) and section 8A of the Vanuatu Tourism Office Act [CAP 142], GREGORY WILSON is appointed by the Air Vanuatu (Operations) Ltd, as its representative to be a member of the Vanuatu Tourism Office.

OFFICE OF THE ATTORNEY GENERAL