

**REPUBLIC OF VANUATU**

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**ENVIRONMENTAL MANAGEMENT AND CONSERVATION ACT  
[CAP 283]**

**Environmental Impact Assessment Regulations  
Order No. 175 of 2011  
UNOFFICIAL CONSOLIDATED VERSION 2012**

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# **REPUBLIC OF VANUATU**

## **ENVIRONMENTAL MANAGEMENT AND CONSERVATION ACT [CAP. 283]**

### **Environmental Impact Assessment Regulations Order No. 175 of 2011**

In exercise of the powers conferred on me by paragraphs 45(1)(b) and (d) of the Environmental Protection and Conservation Act [CAP 283], I, the Honourable STEVEN KALSAKAU, Minister of Lands, Geology and Mines make the following Order.

## **PART 1 PRELIMINARY**

### **1. Interpretation**

In this Regulation, unless the contrary intention appears:

**Act** means the Environmental Protection and Conservation Act [CAP 283];

**authorised officer** means a person appointed under section 5 of the Act;

**Department** means the Department of Environmental Protection and Conservation;

**Director** means the Director of the Department of Environmental Protection and Conservation;

**EIA approval** of a project, proposal or development activity means approval of the application under section 22 of the Act, but does not imply approval under any other law;

**environmental audit** means an assessment of compliance with any environmental requirements, standards or approval conditions;

**environmental impact assessment** means the environmental impact assessment

process as provided in Part 3 of the Act, and **EIA** has a corresponding meaning;

**environmental management and monitoring plan** means the environmental management plan and monitoring program as described in clause 9, and **EMMP** has a corresponding meaning;

**Minister** means the Minister responsible for the environment;

**preliminary environmental assessment** means the preliminary assessment process as provided in Part 3 of the Act, and "PEA" has a corresponding meaning.

## **PART 2. PRELIMINARY ENVIRONMENTAL ASSESSMENT**

### **2. Activities requiring preliminary environmental assessment**

Without limiting the scope of section 12 of the Act, the projects, proposals or development activities specified in Schedule 1 are subject to the EIA provisions of the Act.

### **3. Preliminary environmental assessment application**

(1) An application for a PEA must:

- (a) be submitted by the project proponent to the Director in a form approved for that purpose by the Director; and
- (b) be accompanied by the prescribed application fee; and
- (c) include any information, plans, specifications and other document and information that the Director may require.

(2) If an application for PEA complies with subclause (1), the Director may seek comments on it from any Ministry, Department, Local Government, Statutory Authority, Non-government Organisation or any person who in the opinion of the Director has a direct interest in the subject matter of the application.

(3) In addition to subclause (1), the Director may, if he or she considers necessary, require a project proponent to submit an Environmental Monitoring and Management Plan.

(4) A failure to comply with subclause (1) renders any PEA determination in relation to that project, proposal or development activity invalid.

### **4. Referral of preliminary assessment**

(1) The Director may in writing authorise:

- (a) a Government officer; or
- (b) a consultant registered under this Regulation,

to carry out a PEA on his or her behalf.

- (2) An authorisation made under subsection (1) expires as soon as the PEA is completed.
- (3) A project proponent is to meet the costs of a consultant who carries out a PEA on behalf of the Director.

### **PART 3. ENVIRONMENTAL IMPACT ASSESSMENT**

#### **5. Consultation in preparing terms of reference**

- (1) The Director may invite participation from any Ministry, Department, Local Government, Statutory Authority, Non-government Organisation or any person who in the opinion of the Director has a direct interest in the subject matter of the project, proposal or development activity to assist in the preparation of the terms of reference.
- (2) The Director may conduct public consultations on the terms of reference for a project, proposal or development at times and places determined by the Director and convenient for those likely to wish to take part.
- (3) The costs of convening a public consultation meeting, including but not limited to the hire of a venue and publicity, are to be met by the project proponent.

#### **6. Conduct of EIA**

- (1) The EIA is to be undertaken under the direction of the Director by an independent consultant or independent team of consultants who are to be selected and appointed by the Director in consultation with interested parties, but at the cost of the project proponent.
- (2) A person carrying out an EIA on a project, proposal or development activity is expected to conduct fieldwork to obtain accurate measurements of environmental values for use in making impact predictions and recommending appropriate environmental protection measures in respect of the project, proposal or development activity.

#### **7. Preparation of EIA Report**

- (1) An EIA report on a project, proposal or development activity must:
  - (a) be a comprehensive study report of the potential environmental or resource management and social-cultural impacts of the project, proposal or development activity; and
  - (b) identify the potential impact of the project, proposal or development activity on the surrounding environment and population, and suggest possible mitigation measures; and
  - (c) to the extent appropriate, suggest conditions upon which EIA approval of the project, proposal or development activity may be granted.

(2) If it appears that any aspect of a project, proposal or development activity, either individually or cumulatively, may cause a significant impact on the environment, these must be dealt with in the EIA report.

(3) An EIA report on a project, proposal or development activity must:

(a) be carried out by an independent registered consultant or consultants nominated by the Director and under the direction of the Director but at the cost of the project proponent; and

(b) contain the information required by the terms of reference and by clause 8.

(4) The Director may issue Guidelines for the format of an EIA report, but the report may be in any format that gives the information required by the Act and this Regulation.

## **8. Contents of EIA Report**

(1) An EIA report must, to the extent appropriate, include:

(a) the name and location of the project, proposal or development activity and details of the project proponent, the date of preparation of the project, proposal or development activity and the person or body responsible for the preparation; and

(b) attach copies of project plans and engineering design with clear units of measurement; and

(c) the identity of any person or persons who prepared or participated in the preparation of the terms of reference, with full contact details; and

(d) a description of the purpose and scope of the proposed project, proposal or development activity, including the background and rationale for the project, proposal or development activity and its intended goals and objectives; and

(e) a description of the environmental setting of the site of the proposal, including a statement of environmental resources and conditions in the area before the implementation of the project, proposal or development activity, and a projection or estimation of changed environmental circumstances that may occur as a result of the project, proposal or development activity; and

(f) a description of the possible environmental and resource management impacts of the project, proposal or development activity, including any pollution or waste that may be generated, and impacts occurring during construction, operation, decommissioning, and abandonment phases of the project, proposal or development activity; and

(g) a statement of the various alternatives that have been considered for the project, proposal or development activity, including energy efficiency measures, that are reasonably foreseeable and technically and economically appropriate, including the option of taking no action, and an outline of the reasons for choosing the proposed

action; and

(h) a statement of the mitigation action proposed in respect of any adverse impacts identified in the report; and

(i) details of individuals, organisations, government offices, ministries, non-governmental organisations, villagers, local councils, and others who have an interest, expertise, or jurisdiction regarding the project, proposal or development activity and who have been consulted; and

(g) details and copies of any agreements entered into between the project proponent and any villagers, local councils, and others concerning access, occupation, ownership and any other rights to the land that is the subject of the project, proposal or development activity; and

(k) a summary of the results of public consultations held on the project, proposal or development activity; and

(l) recommendations on the selected alternatives, mitigation measures, monitoring, other studies, analysis, and any additional consultation that may be required; and

(m) any other matter specified in the terms of reference.

(2) An EIA report must:

(a) be signed and dated by or on behalf of the project proponent; and

(b) have attached to it all reports, plans, analyses and other documents that are needed or appropriate to assist readers of the report to understand it; and

(c) be accompanied by an environmental management and monitoring plan.

## **9. Environmental management and monitoring plan**

(1) An environmental management and monitoring plan (EMMP) for a project, proposal or development activity must be submitted with the EIA report.

(2) An EMMP must:

(a) describe, in respect of the project, proposal or development activity, the environmental protection measures that will be put in place by the project proponent if approval is given for the project, proposal or development activity; and

(b) include an environmental monitoring and surveillance program of action; and provide for an environmental monitoring manager to be appointed by the project proponent, in consultation with the Department, to verify that the EMMP and protection measures are being fulfilled and adverse impacts of the project, proposal or development activity are documented.

## **10. Public consultation**

- (1) The project proponent must conduct public consultations on the project, proposal or development activity at times and places as determined by the Director and convenient for those likely to wish to take part.
- (2) At least one of the public consultation meetings must be held in the close vicinity of the area of the proposed development.
- (3) Notices of public consultation meetings must be given by the project proponent in the manner directed by the Director and such notices must inform the public of:
  - (a) the locality and the nature of the project, proposal or development activity; and
  - (b) the location and time of the public consultation meeting.
- (4) The cost of convening public consultation meetings, including but not limited to the hire of a venue and publicity, is to be met by the project proponent.

## **11. Submission of EIA report**

- (1) The project proponent must submit to the Director:
  - (a) 5 hard copies of the EIA report, accompanying documents and EMMP, and one electronic copy; and
  - (b) the prescribed fee.
- (2) If so requested by the Director, the project proponent must supply further hard copies of the report for distribution to members of a review committee.
- (3) An EIA report that is not submitted to the Director within 12 months after the terms of reference has been finalised will be invalid and a new application for PEA will need to be submitted, unless the project proponent has obtained a written extension of time from the Director.

## **12. Review of EIA report**

The Director may:

- (a) seek comments on the EIA report from any Ministry, Department, Local Government, Statutory Authority, Non-government Organisation or any person who in the opinion of the Director has a direct interest in the subject matter of the EIA; and
- (b) request a review of the EIA report by an EIA review committee as the Director directs.

## **13. EIA review committee**

- (1) An EIA review committee is to be appointed by the Director.
- (2) The committee consists of not more than 10 people drawn from the relevant industry, Non-Government Organisations, Government, local communities and academic institutions as considered appropriate by the Director for the EIA report to be reviewed.
- (3) The Director is the Chairperson of the committee.
- (4) The committee is to determine its own procedures in respect of reviewing EIA reports made under clause 12, and may meet at any time and place as determined by the Chairperson.
- (5) The committee must complete a review and make its recommendations to the Director within 30 days of the submission of the EIA report or to any extended time limit agreed in accordance with section 22 of the Act.
- (6) In determining an appeal against a decision by the Director under this regulation, the EIA review committee will convene without the Director and the Director will appoint a Deputy Chairperson for the purposes of the appeal.

#### **14. Public consultation on an EIA report**

- (1) The Director may require a project proponent to conduct public consultations on the EIA report at a time and place determined by the Director and convenient for those likely to wish to take part.
- (2) At least one of the public consultation meetings must be held in the vicinity of the area of the proposed development.
- (3) If a public consultation meeting is held, notice of it must be given by the project proponent in the manner directed by the Director and must inform the public of:
  - (a) the locality and the nature of the project, proposal or development activity; and
  - (b) where copies of the EIA report can be obtained; and
  - (c) the location and time of the meeting; and
  - (d) the time limit as determined by the Director for the submission of comments in writing
- (4) The cost of convening a public consultation meeting, including but not limited to the hire of a venue and publicity, are to be met by the project proponent.

#### **15. Project proponent responsible for reasonable expenses**

- (1) The Director may require the project proponent to meet the reasonable costs incurred in reviewing an EIA report, including but not limited to convening of a review committee,



site inspection and transport expenses.

(2) Any dispute as to the reasonable cost of the review is to be resolved by the EIA review committee.

## **16. EIA Approval**

If development of a project, proposal or development activity has not substantially commenced within 12 months of the date that the EIA Approval was granted for the project, proposal or development activity, the EIA Approval will be invalid and a new application for PEA will need to be submitted, unless the project proponent has obtained a written extension of time from the Director.

## **17. EMMP forms part of EIA approval**

(1) Any environmental management and monitoring plan that has been submitted as part of the EIA Report and approved by the Director forms part of the EIA approval for the project, proposal or development activity.

(2) A person who contravenes or fails to comply with a term or condition of the EMMP commits an offence in accordance with paragraph 41(1) (d) of the Act.

## **PART 4. MISCELLANEOUS**

### **18. Fees**

(1) The fees set out in Schedule 2 are prescribed in respect of the matters to which they relate.

(2) Fees, costs and expenses payable under this Regulation are recoverable as a civil debt owing to the Government, if the service to which they relate has been provided.

(3) Fees, cost and expenses payable under this Regulation must be paid to the Ministry of Finance and Economic Management which is to be transferred into the Environmental Trust Fund.

### **19. EIA Guidelines**

The Director may issue written guidelines for:

(a) preliminary environmental assessments, terms of reference, EIA report, EMMP, review of the EIA report, public notices and meetings and other documents and procedures required by this Regulation for which a form is not prescribed; and

(b) any other matter in relation to this Regulation that the Director considers appropriate.

### **20. Compliance and monitoring inspections**

- (1) The Department may cause a site or activity to be inspected to ascertain:
  - (a) whether there has been any change in the environmental condition of the site or the environmental impact of the activity on the surrounding area; or
  - (b) compliance with conditions of EIA approval, including any EMMP or mitigation measure that is required as a condition of the approval.
- (2) If a project proponent fails to comply with a reasonable request for compliance inspection or for the taking of samples, the Director may:
  - (a) cancel the EIA approval; or
  - (b) suspend the EIA approval, until site inspection has been carried out.
- (3) If the Director considers that there is non-compliance, the Director may:
  - (a) cancel the EIA approval for non-compliance with a term of the EIA approval; or
  - (b) suspend the EIA approval until specified matters of non-compliance are corrected.
- (4) A decision to cancel or suspend EIA approval of a proposal:
  - (a) must only be made after giving the project proponent an opportunity to be heard, orally or in writing;
  - (b) must be made reasonably, having regard to the nature of the proposal and the seriousness of the non-compliance;
  - (c) must be communicated in writing to the project proponent as soon as practicable after being made.
- (5) The Director may require the project proponent to meet the reasonable costs incurred in compliance inspection, including but not limited to convening of a review committee, site inspection and transport expenses.
- (6) A project proponent who is dissatisfied with a decision of the Director under this clause may appeal in writing to the EIA review committee.
- (7) A decision must not be made under this clause if it is contrary to any requirement or procedure under this Act or any other law.
- (8) Compliance and monitoring inspections may be conducted throughout the life of the activity or use of the project, proposal or development activity for which EIA approval has been granted.

## **21. Environmental audit**

(1) The Department is to undertake an environmental audit on an annual basis of all projects, proposals and development activities that have been granted EIA approval in order to facilitate the renewal of the business licence applicable to the project, proposal or development activity.

(2) The environmental audit fee prescribed in Schedule 2 is payable by the project proponent.

## **22. Powers of enforcement officers**

(1) The powers provided under subclause (2) may be exercised by:

(a) authorised officers; and

(b) officers of the Department of Environmental Protection and Conservation; and

(c) police officers; and

(d) any other person approved by the Director from time to time.

(2) For the purposes of implementing and enforcing the provisions of Part 3 of the Act and this Regulation, including to undertake compliance inspections, the persons referred to in subclause (1) may:

(a) enter private premises after a reasonable attempt to notify the owner or the occupier of their intention to do so; and

(b) enter upon any other land; and

(c) take samples of any matter, substance or form for testing and analysis; and

(d) take pictures, photographs or measurements or make sketches or recordings in any form; and

(f) require the production of records and information relevant to the matter in investigation; and

(g) to interview any person for the purpose of inspection.

(3). A person who obstructs, hinders or impedes an authorised officer or a person assisting the officer, in the performance of his or her duties under subclause (2) is guilty of an offence punishable on conviction to a fine not exceeding VT100,000.

## **23. Variation or cancellation of EIA approval**

(1) If an EIA approval has been granted and:

(a) the Director obtains new information that was not known to the Director at the

time the EIA approval was granted; or

(b) there is a significant change in the circumstances relevant to the project, proposal or development activity; or

(c) there is an error or mistake in the EIA approval; or

(d) the project proponent requests a variation in the terms of the EIA approval,

the Director may, on the written application of the project proponent, or of the Director's own motion, vary the terms of the EIA approval, including any conditions attached to it, by giving notice in writing to the project proponent.

(2) If the Director is satisfied:

(a) that an EIA approval of a project, proposal or development activity was influenced by false or misleading information or by deceit on the part of the project proponent; or

(b) that the environmental conditions of the site have changed to such an extent as to render the approval inappropriate,

the Director may cancel the EIA approval and require the site to be restored as far as possible to the state before EIA approval was given.

(3) The restoration cost undertaken under subclause (2) is to be met by the project proponent.

(4) Before taking action under subclause (1) or (2), the Director:

(a) may obtain the advice of an EIA consultant or the EIA review committee; and

(b) must in writing, inform the project proponent of the intended action and give the project proponent an opportunity to be heard.

(5) A variation of an EIA approval requested by the project proponent that would result in a material change in the use of the land to which the approval relates, must be the subject of a fresh PEA under this Regulation.

(6) A project proponent who is dissatisfied with a decision of the Director under this clause may appeal in writing to the EIA review committee.

(7) A decision must not be made under this clause if it is contrary to any requirement or procedure under this Act or any other law.

## **24. Change in ownership or identity of corporate body**

(1) The project proponent must apply in writing to the Director for a change in details in relation to a PEA determination or an EIA approval for any change in ownership of a

project, proposal or development activity or change in corporate identity of a project proponent.

(2) If the Director is satisfied that:

(a) the nature of the proposed development will not be affected by the change of ownership or identity; and

(b) the prescribed fee is paid,

he or she must record the amended details of the project proponent in the environmental registry.

(3) The Director may request any appropriate information or document from the project proponent for the purposes of determining whether the amendment should be made.

(4) A change in ownership or identity renders a PEA determination or an EIA approval in relation to that owner or body corporate invalid, unless an amendment has been made under this clause.

(5) If the identity of the contact person for a proponent changes, the provisions of this clause apply to the change, with necessary modifications, except that the change will not render an EIA approval invalid.

## **25. Amendments to PEA and EIA applications**

(1) The project proponent may, before a final decision has been made on a PEA or on an EIA report, in writing request the Director to amend the application or report, both as to matters of substance and as to errors and omissions.

(2) If an amendment requested under subclause (1) is one of substance, the Director may refuse to accept it and may instead require the project proponent to make a fresh application or submit a fresh report, as the case may be, paying any relevant fee and observing any relevant timetable.

(3) An agreement by the Director to accept amendments requested under subclause (1) does not imply that any particular outcome will follow.

## **26. Discontinuance of PEA or EIA application**

(1) A project proponent may at any time give written notice to the Director that the project proponent wishes to discontinue the PEA or EIA process for a project, proposal or development activity.

(2) If a project proponent gives notice of discontinuance, the Director must discontinue the PEA or EIA process for the project, proposal or development activity, incurring minimum costs in doing so.

(3) The Director may require the project proponent to reimburse reasonable costs incurred

by the Department in the PEA or EIA process of the project, proposal or development activity to the date of discontinuance.

(4) A dispute as to the reasonable cost of discontinuance under this clause is to be resolved by the EIA review committee.

## **27. Registration of consultants**

(1) The categories of EIA consultant are:

- (a) principal consultant;
- (b) technical assistant;
- (c) assistant consultant;
- (d) review consultant.

(2) The criteria for registration of a consultant are as determined by the Director.

(3) Registration is on an individual basis, but a registered consultant must provide information as to any corporation or partnership of which the consultant is a member or employee.

(4) A person who wishes to be registered as an EIA consultant for the purposes of this Regulation must submit an application to the Director:

- (a) in a form approved for that purpose by the Director;
- (b) specify the category of consultancy applied for;
- (c) accompanied by the prescribed fee application; and
- (d) include any information that the Director may require.

(5) If an application complies with subclause (4), the Director:

- (a) may call for documents, interview the applicant and cause enquiries to be made as to his or her suitability for registration;
- (b) obtain advice from technically qualified persons as to the suitability of the applicant for registration; and
- (c) must as soon as practicable make a decision whether to register the applicant and in what category of consultant.

(6) Registration is for up to 3 years in the first instance and is renewable for up to 3 years on application, and on payment of the prescribed fee, if the Director is satisfied that the applicant remains qualified as a consultant.

(7) A person wishing to change the category of registration must apply for fresh registration, paying the appropriate fee.

(8) The Director may issue a Code of Practice for consultants registered under this Regulation, after seeking the advice of any relevant professional body and of individuals with extensive experience in EIA matters.

(9) If the Director reasonably considers that a registered consultant is:

(a) in breach of any registration criteria, or any relevant Code of Practice as approved by the Director; or

(b) not performing duties as required by the Act or this Regulation,

the Director may cancel, or refuse to renew, the registration of the consultant.

(10) If the Director proposes to de-register a consultant for any reason, the Director must give the consultant the opportunity to be heard, orally or in writing.

## **28. Appeal**

(1) A person who is not satisfied with a decision of the Director under clause 27 may appeal in writing to the EIA review committee.

(2) A decision made under this clause must not be contrary to any requirement or procedure prescribed under the Act, this Regulation, or any other law.

## **29. Proving matters relating to environmental impact**

(1) In any prosecution under this Regulation evidence is given by an enforcement officer that there has been, or may be, a harmful or adverse effect on the environment, the Court is to accept that evidence as *prima facie* evidence of the matters alleged.

(2) If a prosecution relates to a chemical or other similar substance, the court may have regard to any information disclosed on the packaging of the chemical or substance to determine whether there is a danger to health or to the public.

(3) This clause does not limit or affect the manner in which any matter may be proved to the satisfaction of a court.

## **30. Prescribed amounts for penalty notices**

(1) For the purposes of section 44A of the Act, the prescribed amount in respect of an offence committed under the EIA provisions of the Act listed in Column 2 of Table 1 is:

(a) the minimum prescribed amount set out in column 3 of that Table for a first offence by an individual under such clause, subclause or paragraph; and

(b) the maximum prescribed amount set out in column 4 of that Table for a first offence by an individual under such clause, subclause or paragraph; and

(c) the minimum prescribed amount set out in column 5 of that Table for a second offence by an individual under such clause, subclause or paragraph; and

(d) the maximum prescribed amount set out in column 6 of that Table for a second offence by an individual under such clause, subclause or paragraph;

(e) the minimum prescribed amount set out in column 7 of that Table for a first offence by a body corporate under such clause, subclause or paragraph; and

(f) the maximum prescribed amount set out in column 8 of that Table for a first offence by a body corporate under such clause, subclause or paragraph; and

(g) the minimum prescribed amount set out in column 9 of that Table for a second offence by a body corporate under such clause, subclause or paragraph; and

(h) the maximum prescribed amount set out in column 10 of that Table for a second offence by a body corporate under such clause, subclause or paragraph.

<b>Table 1</b> <b>EIA Offences under the Environmental Protection and Conservation Act [CAP 283]</b>									
Column 1 Items	Column 2 Provisions of the Environmental Protection and Conservation Act [Cap 283]	Column 3 Minimum Prescribed amount for first offence by individual	Column 4 Maximum Prescribed amount for first offence by individual	Column 5 Minimum Prescribed amount of second offence by individual	Column 6 Maximum Prescribed amount of second offence by individual	Column 7 Minimum prescribed amount for first offence by body corporate	Column 8 Maximum Prescribed amount for first offence by body corporate	Column 9 Minimum Prescribed amount for second offence by body corporate	Column 9 Maximum Prescribed amount for second offence by body corporate
1	<b>12A(2)</b> Person developing foreshore of the coast of an island without an EIA	50,000	2,500,000	100,000	5,000,000	100,000	50,000,000	200,000	100,000,000
2	<b>24(1)(a)</b> Undertaking any activity that is subject to an environmental impact assessment prior to receiving written approval	50,000	2,500,000	100,000	5,000,000	100,000	50,000,000	200,000	100,000,000
3	<b>24(1)(b)</b> Undertaking any activity despite EIA approval having been refused	50,000	2,500,000	100,000	5,000,000	100,000	50,000,000	200,000	100,000,000
4	<b>41(1)(a)</b> Providing false or misleading information, including any false or misleading report required,	50,000	2,500,000	100,000	5,000,000	100,000	25,000,000	200,000	50,000,000



	under any requirement of the Act								
5	<b>41(1)(b)</b> Hindering or obstructing an officer or any person empowered to carry out any function or duty under the Act	50,000	2,500,000	100,000	5,000,000	100,000	25,000,000	200,000	50,000,000
6	<b>41(1)(c)</b> Failing to give all reasonable assistance to any officer or any person empowered to carry out any function or duty under the Act	50,000	2,500,000	100,000	5,000,000	100,000	25,000,000	200,000	50,000,000
7	<b>41(1)(d)</b> Contravening a term or condition of an approval, permit or notice issued under the Act	50,000	2,500,000	100,000	5,000,000	100,000	50,000,000	200,000	100,000,000
8	<b>41(1)(e)</b> Contravening or failing to comply with any Regulation, Direction or Order made under the Act	50,000	2,500,000	100,000	5,000,000	100,000	50,000,000	200,000	100,000,000

(2) For the purposes of section 44A of the Act, the prescribed amount in respect of an offence committed under a provision of this Regulation listed in Column 2 of the Table 2 is the amount set out in Column 3 of that Table.

<b>Table 2</b> <b>Offences under the Environment Impact Assessment Regulation</b>		
<b>Column 1</b> <b>Items</b>	<b>Column 2</b> <b>Provisions of the Environment Impact Assessment Regulation</b>	<b>Column 3</b> <b>Prescribed amount.</b>
1	<b>17(2)</b> Contravenes or fails to comply with a term or condition of an EMMP	2,500,000
2	<b>22(3)</b> Obstructing, hindering, or impeding an authorised officer from carrying out duties under subclause 22(2)	50,000

### **31. Period to pay penalty notice**

If the person served does not wish to have the matter determined by a court, the person must pay, within 21 days after receiving or being served with the notice, to a person

specified in the notice, the amount of penalty prescribed under this Regulation.

### **32. Commencement**

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

**Made at Port Vila this 22nd day of August, 2011**

**Honourable STEVEN KALSAKA  
Minister of Lands Geology and Mines**

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### **SCHEDULE 1**

#### **ACTIVITIES REQUIRING PRELIMINARY ENVIRONMENTAL ASSESSMENT**

(1) Foreshore developments, for example the construction or alteration of any of the following:

- (a) Marina;
- (b) Jetty (floating or permanent);
- (c) Boat ramp;
- (d) Wharf;
- (e) Mooring;
- (f) Pier;
- (g) Swimming pool;
- (h) Artificial islands;
- (i) Sea walls;
- (j) Reclamation;
- (k) any over water structure;
- (l) any activity that involves:
  - (i) the clearance of any mangroves or the disturbance of any other coastal/estuarine ecosystem including seagrasses, coral, sand etc; or
  - (ii) dredging.

(2) Tourism-related developments, for example the construction or alteration of any of the following:

- (a) Hotel;
- (c) Motel;
- (d) Restaurant;
- (e) Café;
- (f) Bar;
- (g) Golf course;
- (h) any other tourist accommodation facilities.

(3) Mining, quarrying and logging activities, for example any activity that involves:

- (a) Mining, prospecting for minerals or reprocessing of tailings;
- (b) Quarrying;
- (c) Excavations and extractions;
- (d) Logging or sawmilling activities;
- (e) Forestry.

(4) Clearing of trees, bushes and natural vegetation over areas of more than 10 hectares.

(5) Industrial development, for example the construction or alteration of any of the following:

- (a) Fish processing plant;
- (b) Abattoirs and meat processing facilities;
- (c) Canneries;
- (d) Oil mill;
- (e) Breweries and any beverage production;
- (f) Garages and any motor vehicle repair facilities;
- (g) Service stations and fuel depots;

- (h) Manufacture of cement, lime or plaster;
- (i) Manufacture of structural or fabricated metal products;
- (j) Manufacture of soap;
- (k) Manufacture of chemicals;
- (l) Manufacture of paper, bottles and plastics.

(6) Retail and wholesale developments, for example the construction or alteration of a:

- (a) Retail shop; or
- (b) Wholesale shop; or
- (c) Shopping mall; or
- (d) Warehouse; or
- (e) Show room.

(7) Commercial aquaculture and agriculture activities, for example commercial farming and livestock.

(8) Transportation and telecommunication facilities, for example the construction or alteration of any of the following:

- (a) Airport, airstrips and transport terminals;
- (b) Roads;
- (c) Telecommunications towers;
- (d) Bridges.

(9) Energy generation facilities and other infrastructure services, including the construction or alteration of any of the following:

- (a) hydropower facilities;
- (b) power stations;
- (c) wind energy facilities;
- (d) geothermal activities;
- (e) pipelines.

(10) Waste disposal facilities, for example landfill facility, composting plant, marine outfall, waste water treatment plant or recycling facilities including:

(a) operation of incinerators or destructors of household, commercial or industrial waste; or

(b) operation of rubbish tips or land fills for the accumulation and burying or processing of household, commercial or industrial waste.

(11) Sub-division developments.

(12) Permanent health facilities and medical centres.

(13) Recreational or leisure facilities, for example the construction or alteration of:

(a) Stadiums; or

(b) Playgrounds; or

(c) any other sports facilities.

(14) Churches or other places of worship.

(15) Any development impacting a water source (river, stream, lake, estuary, underground aquifer, hot spring etc).

(17) Any other development as the Director considers appropriate.

## SCHEDULE 2

### FEES

<b>Fees Table</b>			
<b>Item No.</b>	<b>Item</b>		<b>Amount Payable (VT)</b>
<b>1</b>	<b>Preliminary Environmental Assessment Application</b>		20,000
<b>2</b>	<b>Submission of EIA Report</b>		100,000
<b>3</b>	<b>Application for Registration as a Consultant</b>		
	<b>(a)</b>	<b>Principal Consultant</b>	
	<b>(i)</b>	For a 1 year period	40,000
	<b>(ii)</b>	For a 3 year period	100,000

	<b>(b)</b>	<b>Technical Assistant</b>		
		(i)	For a 1 year period	20,000
		(ii)	For a 3 year period	50,000
	<b>(c)</b>	<b>Assistant Consultant</b>		
		(i)	For a 1 year period	12,000
		(ii)	For a 3 year period	30,000
	<b>(d)</b>	<b>Review Consultant</b>		
		(i)	For a 1 year period	20,000
		(ii)	For a 3 year period	50,000
<b>4</b>	<b>Renewal of Registration as a consultant</b>			
	<b>(a)</b>	<b>Principal Consultant</b>		
		(i)	For a 1 year period	40,000
		(ii)	For a 3 year period	100,000
	<b>(b)</b>	<b>Technical Assistant</b>		
		(i)	For a 1 year period	20,000
		(ii)	For a 3 year period	50,000
	<b>(c)</b>	<b>Assistant Consultant</b>		
		(i)	For a 1 year period	12,000
		(ii)	For a 3 year period	30,000
	<b>(d)</b>	<b>Review Consultant</b>		
		(i)	For a 1 year period	20,000
		(ii)	For a 3 year period	50,000
<b>5</b>	<b>Variation or amendment of PEA application or EIA Report</b>			5,000
<b>6</b>	<b>Amendment of Identity</b>			5,000
<b>7</b>	<b>Environmental Audit Fee</b>			10,000