

REGULATORY ASSESSMENT REPORT

Quarry Licensing, Soil & Earth Removal, and Development Approval Requirements

Pacific Harbour Area, Fiji | March 2026



Figure 1: Aerial view of the subject site area, Pacific Harbour, Fiji. Exposed red laterite soil excavation areas visible in foreground and hillside to the right. Residential properties and golf course immediately adjacent.

1. Executive Summary

This report examines the regulatory requirements applicable to quarrying operations and large-scale soil and earth removal activities in Fiji, with specific reference to the site area depicted in the aerial photograph above, located in the Pacific Harbour district. The site shows substantial excavation and exposure of laterite soils in close proximity to established residential properties and a golf course.

Three distinct regulatory frameworks are engaged by the observed activity:

- The Quarries Act (Cap 147) — governing extraction of soil, earth, gravel and related materials
- The Town Planning Act (Cap 139) — requiring Development Approval (DA) for earthworks that alter land levels

- The Environment Management Act — potentially requiring an Environmental Impact Assessment (EIA) given proximity to residences and sensitive land uses

⚠ Key Finding

Based on the aerial imagery, the excavation activity visible at this site — particularly the exposed red laterite areas in the foreground and on the eastern hillside — would, on its face, require both a Quarry Licence from the Mineral Resources Department and Development Approval from the Department of Town and Country Planning. The proximity to residential properties introduces additional obligations and potential legal exposure if these approvals are not in place.

2. Legislative Framework

2.1 The Quarries Act (Cap 147)

The Quarries Act is the primary legislation governing excavation and material removal operations in Fiji. It is administered by the Mineral Resources Department (MRD) under the Ministry of Lands and Mineral Resources.

Critically, the Act's definition of a 'quarry' is broad. The Act applies to:

- Every excavation in which persons work at the removal of rock, earth, clay, sand, soil, gravel, or limestone
- Operations using explosives and — equally — operations where removal is effected by other means (e.g. excavators and earthmoving machinery)
- Any rock-crushing or treatment plant operated in connection with the above

i Important Distinction

Soil and earth are explicitly named materials under the Quarries Act. This is not limited to hard rock extraction. Any commercial or operational-scale removal of soil, laterite, clay or fill material from land falls within the Act's jurisdiction. This is reinforced by the fact that clay, gravel, sand and stone are separately excluded from the Mining Act (Cap 146) and directed specifically to the Quarries Act.

2.2 The Mining Act (Cap 146)

The Mining Act governs precious metals and defined minerals. It explicitly excludes clay, gravel, sand and stone from its definition of 'minerals' — those materials are instead regulated under the Quarries Act. All mineral rights vest in the Crown (State), and the Director of Mineral Resources has administrative oversight.

2.3 The Town Planning Act (Cap 139) — Development Approval

Separately from the quarry licensing regime, the Town Planning Act requires Development Approval (DA) for any works that constitute 'development.' This includes:

- Building or rebuilding any structure
- Forming or widening of any road or access
- Earthworks that alter the level of the land
- Destruction of significant vegetation
- Any materially different use of land or a building

Large-scale soil removal and excavation plainly falls within 'earthworks altering the level of the land.' Development Approval must be obtained from the Department of Town and Country Planning (DTCP) and/or the relevant local authority before such works commence. Turnaround time is typically 20 days for straightforward applications but can extend to 3 months for complex or large-scale developments.

2.4 Environment Management Act — EIA Requirements

An Environmental Impact Assessment (EIA) may be required where a proposed development is likely to cause significant adverse environmental effects. The approving authority (DTCP) makes this determination as part of processing a Development Approval application. Given the proximity of the excavation to residential properties, a watercourse (visible in the aerial image), and a golf course, there is a reasonable likelihood that an EIA would be required for the activities shown.

2.5 Legislative Review — March 2026

It should be noted that as of March 2026, the Ministry of Lands and Mineral Resources and the Fiji Law Reform Commission are conducting nationwide public consultations reviewing both the Mining Act 1965 and the Quarries Act 1939. The review aims to modernise the legislative framework, strengthen transparency and accountability in licensing administration, and address legal gaps. Operators should monitor this process as regulatory changes may be imminent.

3. Quarry Licence — Requirements and Conditions

3.1 When a Licence is Required

A quarry licence is required from the MRD before commencing any extraction of quarry materials (including soil, earth, laterite, clay, gravel, rock) for commercial purposes or at an operational scale. There is no codified de minimis threshold in the Act; however, the MRD applies discretion based on scale and commercial intent. The primary triggers are:

- Extraction and sale or disposal of soil, earth or fill material
- Use of machinery for excavation at scale
- Ongoing or systematic removal of surface materials
- Any operation using explosives — automatically requires a quarry licence

3.2 Licence Conditions and Obligations

Obligation	Detail
Quarry Plan	Business Development Plan required at application stage
Restoration Bond	Upfront financial security lodged with MRD for rehabilitation
Tax Compliance	Valid Tax Compliance Certificate required
Production Returns	Quarterly returns submitted to Commissioner on tonnes/cubic yards extracted
Quarry Tax	3.5% of market value on all material sold or otherwise disposed of
Late Payment Penalty	15% of tax due for the period, plus 15% p.a. interest
Failure to Report	Penalty of 1% of tax payable, minimum FJD 15,000, maximum FJD 30,000
Rehabilitation	Licensee required to rehabilitate quarried-out land on cessation
Environmental Practices	Sound environmental practices required as a licence condition
Safety Practices	Compliance with engineering and occupational safety standards

4. Site Assessment — Pacific Harbour

4.1 Observations from Aerial Imagery

The aerial photograph (Figure 1) reveals several features of regulatory significance:

- Two distinct areas of exposed red laterite soil excavation are visible — one in the foreground of the image (lower section of the property) and a larger, more prominent excavation on the hillside to the eastern edge of the frame
- The excavations appear to involve significant removal of topsoil and subsoil layers, exposing the characteristic red laterite characteristic of Viti Levu's volcanic geology
- A watercourse (river or creek) is visible in the upper-left portion of the image, running adjacent to the developed area — raising potential sedimentation and water quality concerns
- Residential properties and structures are in immediate proximity to the excavation areas, with only short buffers separating active earthworks from dwellings
- The Pacific Harbour Golf Course fairways are clearly visible, indicating a sensitive land-use context requiring careful dust, noise and runoff management

4.2 Proximity to Residential Areas — Key Concerns

The proximity of the excavation activity to residential properties raises a number of specific concerns under Fiji's regulatory framework and general environmental management principles:

Risk Factor	Regulatory / Environmental Implication
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Dust and Air Quality	Laterite excavation generates significant fine particulate dust. Residential proximity triggers obligations under the Environment Management Act and conditions likely to be imposed on any quarry licence or DA
Noise and Vibration	Heavy machinery and any blasting activity — residents have amenity rights; operations may be subject to time restrictions and noise limits
Stormwater and Sedimentation	Exposed laterite is highly erodible. Runoff carrying sediment into the adjacent watercourse and onto neighbouring properties may constitute an environmental offence
Land Stability	Hillside excavation visible in the imagery raises slope stability concerns that are directly relevant to residential properties downslope
Property Values and Amenity	Unlicensed quarrying adjacent to residential land exposes the operator to civil liability for nuisance and diminution of property value
EIA Likelihood	Given residential proximity, watercourse adjacency and golf course context, DTCP would very likely require a formal EIA as a condition of Development Approval

5. Required Approvals — Summary

Based on the activity observable in the aerial imagery and the applicable Fiji legislation, the following approvals would be required before or concurrent with operations:

Approval	Issuing Authority	Trigger
Quarry Licence	Mineral Resources Dept (MRD), Ministry of Lands & Mineral Resources	Removal of soil, earth, laterite at operational scale (Quarries Act Cap 147)
Development Approval (DA)	Dept of Town & Country Planning (DTCP) + Local Authority	Earthworks altering land levels (Town Planning Act Cap 139)
Environmental Impact Assessment (EIA)	DTCP / Dept of Environment (accredited consultant required)	Likely required given residential proximity and watercourse adjacency (Environment Management Act)
Building Permit (if structures involved)	Local Authority (e.g. Navua Town Council or Serua District)	If associated buildings, access roads or retaining structures are constructed (Building Act)

6. Consequences of Non-Compliance

Operating without the required approvals carries significant legal, financial and reputational risks:

- Failure to hold a quarry licence while extracting quarry material is an offence under the Quarries Act (Cap 147) and can result in prosecution, cessation orders and significant financial penalties
- Failure to pay quarry tax attracts a 15% penalty on the unpaid tax, plus 15% per annum interest — retroactive liability can be substantial if unpaid tax covers an extended extraction period
- Failure to submit production returns attracts a minimum penalty of FJD 15,000 and a maximum of FJD 30,000 per quarter
- Proceeding with earthworks without Development Approval is an offence under the Town Planning Act — the DTCP has powers to issue stop-work orders and require reinstatement of land at the operator's expense
- Where an EIA was required but not obtained, the Environment Management Act provides for enforcement action, remediation orders and penalties
- Civil liability to neighbouring residential property owners for nuisance, dust, noise, damage from runoff, or diminution of property value is a separate but significant exposure

Unlicensed Operations

If excavation activity at the site has been conducted without the required Quarry Licence and/or Development Approval, the operator should seek legal advice promptly. Retrospective applications may be possible in some circumstances but do not extinguish past offences. The MRD and DTCP are actively monitoring compliance, and the Quarries Act is currently under legislative review — enforcement attention is likely to increase in 2026.

7. Recommendations

The following steps are recommended for any party with an interest in or responsibility for the excavation activity depicted:

- Engage the Mineral Resources Department (MRD) immediately to determine whether a Quarry Licence is required and, if activity has already occurred, to regularise any unlicensed extraction
- Lodge a Development Approval application with the Department of Town and Country Planning (DTCP) for the earthworks, including a site plan, engineering drawings and an assessment of impact on adjacent residential properties
- Commission a pre-EIA assessment from an accredited environmental consultant to determine the likely scope of environmental review required — given the watercourse adjacency and residential proximity, this is advisable regardless of whether DTCP makes it a formal condition

- Implement immediate erosion and sedimentation controls on exposed laterite surfaces to prevent runoff entering the adjacent watercourse or neighbouring properties — this is both a legal obligation and a prudent risk mitigation measure
- Monitor the ongoing Fiji Law Reform Commission review of the Quarries Act and Mining Act — regulatory obligations are expected to change and potentially tighten in 2026–2027
- Seek specialist legal advice as to retrospective exposure if operations have proceeded without the requisite approvals

8. Key Contacts

Agency	Contact Details
Mineral Resources Dept (MRD)	Ministry of Lands & Mineral Resources, Government Buildings, Suva. Tel: +679 331 1545. Website: mrd.gov.fj
Dept of Town & Country Planning	DTCP Head of Development Control. Email: dtcp@govnet.gov.fj Tel: +679 330 5336. Website: townplanning.gov.fj
Fiji Law Reform Commission	Currently reviewing the Quarries Act 1939 — public consultations open March 2026
Dept of Environment	Ministry of Waterways and Environment. Tel: +679 338 3155

Disclaimer

This report has been prepared as a general regulatory information document based on publicly available Fiji legislation and government guidance as at March 2026. It does not constitute legal advice. The Quarries Act 1939 and Mining Act 1965 are currently under review by the Fiji Law Reform Commission and legislative changes may be enacted. Parties should seek independent legal advice specific to their circumstances before relying on this report. Reference to the aerial image is for informational purposes only; no formal survey or site inspection has been conducted in the preparation of this report.