

THE AAPRAVASI GHAT TRUST FUND (AMENDMENT) BILL
(No. VIII of 2011)

Explanatory Memorandum

The main object of this Bill is to amend the Aapravasi Ghat Trust Fund Act to enable the control of development in the Buffer Zones of the Aapravasi Ghat and to provide for matters related thereto.

M. CHOONEE
Minister of Arts and Culture

06 May 2011

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(No. VIII of 2011)

ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. Section 2 of principal Act amended
 4. Section 4 of principal Act amended
 5. Section 6 of principal Act amended
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 7. Section 18 of principal Act amended
 8. Schedule to principal Act repealed and replaced
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-

A BILL

To amend the Aapravasi Ghat Trust Fund Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Aapravasi Ghat Trust Fund (Amendment) Act 2011.

2. Interpretation

In this Act –

“principal Act” means the Aapravasi Ghat Trust Fund Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended –

(a) (i) in the definition of “Aapravasi Ghat”, by inserting, after the words “means the site”, the words “, the coordinates of which are set out in Part A, and which is depicted by the plan in Part C, of the First Schedule,”;

(ii) in the definition of “Minister”, by deleting the full stop and replacing it by a semicolon;

(b) by inserting, in the appropriate alphabetical order, the following new definitions –

“Buffer Zones” means the areas, surrounding the Aapravasi Ghat, the coordinates of which are set out in Part B, and which are depicted by the plan in Part C, of the First Schedule;

“planning policy guidance” means Planning Policy Guidance PPG 6 Urban Heritage Area – Buffer Zones of the Aapravasi Ghat World Heritage Property, and such other relevant planning policy guidance as may be, issued under the Planning and Development Act;

“related site” means such site –

(a) linked to indentured labour;

(b) bearing a structure, building or monument; and

(c) having a cultural significance and of outstanding value,

as may be specified in the Second Schedule.

4. Section 4 of principal Act amended

Section 4 of the principal Act is amended, in paragraphs (b), (d) and (h), by deleting the words "sites specified in the Schedule" and replacing them by the words "Aapravasi Ghat and related sites".

5. Section 6 of principal Act amended

Section 6 of the principal Act is amended, in subsection (1)(b), (f) and (i), by deleting the words "sites specified in the Schedule" and replacing them by the words "Aapravasi Ghat and related sites".

6. New section 17A inserted in principal Act

The principal Act is amended by inserting, after section 17, the following new section –

17A. Development in Buffer Zones

Any development, including demolition of a building, in the Buffer Zones shall be carried out in accordance with the relevant provisions of the planning policy guidance.

7. Section 18 of principal Act amended

Section 18 of the principal Act is amended –

(a) by repealing subsection (1) and replacing it by the following subsection –

(1) The Minister may, after consultation with the Board, make such regulations as he thinks fit for the purposes of this Act.

(b) in subsection (2)(b), by deleting the word "Schedule" and replacing it by the words "First and Second Schedules".

8. Schedule to principal Act repealed and replaced

The Schedule to the principal Act is repealed and replaced by the First and Second Schedules set out in the Schedule to this Act.

9. Consequential amendment

The Local Government Act 2003 is amended –

(a) by inserting, after section 97, the following new section –

97A. Technical Committee

There shall be set up, in the Municipal Council of Port Louis, a committee to be known as the Technical Committee, which shall consist of –

- (a) the officer in charge of the Planning Department of the Municipal Council of Port Louis or his representative, as chairperson;
- (b) a representative of the Ministry responsible for the subject of public infrastructure;
- (c) a representative of the Ministry responsible for the subject of land use planning;
- (d) a representative of the Ministry responsible for the subject of environment;
- (e) a representative of the Ministry responsible for the subject of tourism;
- (f) a representative of the Ministry responsible for the subject of arts and culture;
- (g) a representative of the National Heritage Fund;
- (h) a representative of the Aapravasi Ghat Trust Fund;
- (i) a representative of the Mauritius Ports Authority;
- (j) the officer in charge of the Works Department of the Municipal Council of Port Louis or his representative.

(b) in section 98 –

(i) in subsection (2) –

- (A) by deleting the word “or” at the end of paragraph (a);
- (B) in paragraph (b), by deleting the comma and replacing it by the words “; or”;
- (C) by adding the following new paragraph –
 - (c) carry out development, including demolition of a building, in the Buffer Zones,

(ii) in subsection (4), by lettering the existing provision as paragraph (a) and adding the following new paragraphs –

(b) Where an application under paragraph (a) is made in respect of a building, or land, found in the Buffer Zones, it shall be forwarded by the Permits and Business Monitoring Committee to the Technical Committee.

(c) The Technical Committee shall assess every application forwarded under paragraph (b) and shall submit its recommendations to the Permits and Business Monitoring Committee.

(d) In assessing an application under paragraph (c), the Technical Committee shall refer to the provisions of the Aapravasi Ghat Trust Fund Act, the Building Act, the Planning and Development Act, the Town and Country Planning Act, planning policy guidance and the guidelines issued under those Acts.

(iii) in subsection (7A)(b), by inserting, after the words “paragraph (a)”, the words “and subsection (4)(b)”;

(iv) by adding the following new subsection –

(12) In this section –

“Buffer Zones” has the same meaning as in the Aapravasi Ghat Trust Fund Act;

“planning policy guidance” has the same meaning as in the Aapravasi Ghat Trust Fund Act.

10. Transitional provision

Any application for development, including demolition of a building, in the Buffer Zones, which is pending at the commencement of this Act, shall be dealt with in accordance with the provisions of this Act.

11. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

SCHEDULE

[Section 8]

FIRST SCHEDULE

[Section 2]

PART A – COORDINATES OF AAPRAVASI GHAT

“Aapravasi Ghat” means a site of an extent of 0.167 hectares (1670 square metres) and is bounded as follows –

Starting from point A located at the exterior corner of a stone wall of the Aapravasi Ghat, having grid coordinates 997364.07 mE, 1004385.62 mN and geographical coordinates 20° 9' 30.63" S, 57° 30' 13.11" E, the limit runs along the exterior side of the stone wall in a general westerly direction through points B (997357.87 mE, 1004387.67 mN or 20° 9' 30.57" S, 57° 30' 12.90" E) and C (997347.85 mE, 1004389.15 mN or 20° 9' 30.52" S, 57° 30' 12.55" E) to point D (997347.96 mE, 1004389.82 mN or 20° 9' 30.50" S, 57° 30' 12.55" E).

From point D, the limit runs along the exterior of the stone wall in a westerly direction to point E (997319.38 mE, 1004393.96 mN or 20° 9' 30.36" S, 57° 30' 11.57"E).

From point E, the limit runs along the exterior side of the stone wall in a southerly direction through points F (997317.57 mE, 1004388.20 mN or 20° 9' 30.55" S, 57° 30' 11.51" E) and G (997310.55 mE, 1004360.06 mN or 20° 9' 31.47" S, 57° 30' 11.27" E) and in a westerly direction to point H having grid coordinates 997283.00 mE, 1004367.37 mN and geographical coordinates 20° 9' 31.23" S, 57° 30' 10.32" E.

From point H, the limit runs along the exterior side of the stone wall in a southerly direction to point I having grid coordinates 997279.75mE, 1004354.60 mN and geographical coordinates 20° 9' 31.64" S, 57° 30' 10.21" E.

From point I, the limit follows the external sinuosities of a stone wall in an easterly direction through points J (997303.30 mE, 1004348.46 mN or 20° 9' 31.84" S, 57° 30' 11.02"E), K (997306.99 mE, 1004347.47 mN or 20° 9' 31.88" S, 57° 30' 11.14"E), L (997314.50 mE, 1004347.22 mN or 20° 9' 31.88" S, 57° 30' 11.40" E), and M (997321.79 mE, 1004350.42 mN or 20° 9' 31.78" S, 57° 30' 11.65" E) from which point it runs in a north-easterly direction along the external sinuosities of a stone wall up to the starting point A.

PART B – COORDINATES OF BUFFER ZONES

“Buffer Zones” comprises 2 areas, Buffer Zone 1 of an extent of 5.52 hectares (55241 square metres) and Buffer Zone 2 of an extent of 24.60 hectares (245960 square metres) which are bounded as follows –

(a) Buffer Zone 1

Starting from point N located on the median axis of Port Louis – Pamplemousses Dual Carriage Way (M2) at Trou Fanfaron having grid coordinates 997482.64 mE, 1004491.15 mN and geographical coordinates 20° 09' 27.20" S, 57° 30' 17.19" E, the limit follows the retaining wall of Trou Fanfaron wharf to Point O having grid coordinates 997437.61 mE, 1004532.90 mN and geographical coordinates 20° 09' 25.85" S, 57° 30' 15.64" E in a north-westerly direction.

From Point O, the limit runs in a south-westerly direction along the Trou Fanfaron wharf through points P (997322.18 mE, 1004415.53 mN or 20° 09' 29.66" S, 57° 30' 11.67" E), Q (997146.78 mE, 1004470.47 mN or 20° 09' 27.87" S, 57° 30' 05.63" E), R (997138.10 mE, 1004466.22 mN or 20° 09' 28.01" S, 57° 30' 05.33" E), S (997131.49 mE, 1004457.98 mN or 20° 09' 28.28" S, 57° 30' 05.10" E), T (997129.22 mE, 1004439.81mN or 20° 09' 28.87" S, 57° 30' 05.02" E), U (997131.50mE. 1004439.57 mN or 20° 09' 28.88" S, 57° 30' 05.10" E) , V(997128.21mE, 1004426.64 mN or 20° 09' 29.30" S, 57° 30' 04.99" E), and W (997134.81 mE, 1004422.70 mN or 20° 09' 29.43" S 57° 30' 05.21" E) to point X having grid coordinates 997051.93 mE, 1004277.73 mN and geographical coordinates 20° 09' 34.14" S, 57° 30' 02.36" E.

Thereafter, the limit follows an imaginary line in a south-easterly direction to point Y having grid coordinates 997067.69 mE, 1004265.84 mN and geographical coordinates 20° 09' 34.53" S, 57° 30' 02.90" E and then runs along the external alignment of a stone wall forming part of the General Post Office building up to a point Z found on the median axis of Port Louis – Pamplemousses Dual Carriage Way (M2) and having grid coordinates 997175.05 mE, 1004188.24 mN and geographical coordinates 20° 09' 37.05" S, 57° 30' 06.60" E.

Thereafter, it follows the median axis of Port Louis – Pamplemousses Dual Carriage Way (M2) in a general north-easterly direction up to the starting point N.

(b) Buffer Zone 2

Starting from point ZA found on the North East corner of Royal and Arsenal Streets and having grid coordinates 997676.19 mE, 1004360.38 mN and geographical coordinates 20° 09' 31.46" S, 57° 30' 23.86" E, the limit follows the north-east side of Arsenal Street up to point ZB in a north-westerly direction and having grid coordinates 997587.83 mE, 1004449.41 mN and geographical coordinates 20° 09' 28.56" S, 57° 30' 20.81" E.

From point ZB, the limit follows imaginary lines in a general westerly direction through points ZC (997594.12 mE, 1004525.12 mN or 20° 09' 26.10" S, 57° 30' 21.03" E), ZD (997521.07 mE, 1004580.85 mN or 20° 09' 24.29" S, 57° 30' 18.52" E), ZE (997530.80 mE, 1004660.21 mN or 20° 09' 21.71" S, 57° 30' 18.85" E), ZF (997472.86 mE, 1004709.20 mN or 20° 09' 20.11" S, 57° 30' 16.86" E), ZG (997292.63 mE, 1004707.76 mN or 20° 09' 20.16" S, 57° 30' 10.65" E), ZH (997254.94 mE, 1004686.94 mN or 20° 09' 20.84" S, 57° 30' 09.35" E), ZI (997204.63 mE, 1004676.99 mN or 20° 09' 21.16" S, 57° 30' 07.62" E) and ZJ (997121.32 mE, 1004626.02 mN or 20° 09' 22.82" S, 57° 30' 04.75" E).

From point ZJ, the limit follows imaginary lines in a south-easterly direction through points ZK (997125.64 mE, 1004528.93 mN or 20° 09' 25.97" S, 57° 30' 04.90"E), ZL (997110.52 mE, 1004442.63 mN or 20° 09' 28.78" S, 57° 30' 04.38"E), and ZM (996990.17 mE, 1004254.69 mN or 20° 09' 34.89" S, 57° 30' 00.23" E).

From point ZM, the limit runs along an imaginary line in a south-easterly direction through ZN (997030.95 mE, 1004209.05 mN or 20° 09' 36.38" S, 57° 30' 01.64"E) to point ZO found on the south-east corner of Duke of Edinburgh and Royal Streets and having grid coordinates 997291.19 mE, 1003959.76 mN and geographical coordinates 20° 09' 44.48" S, 57° 30' 10.60" E.

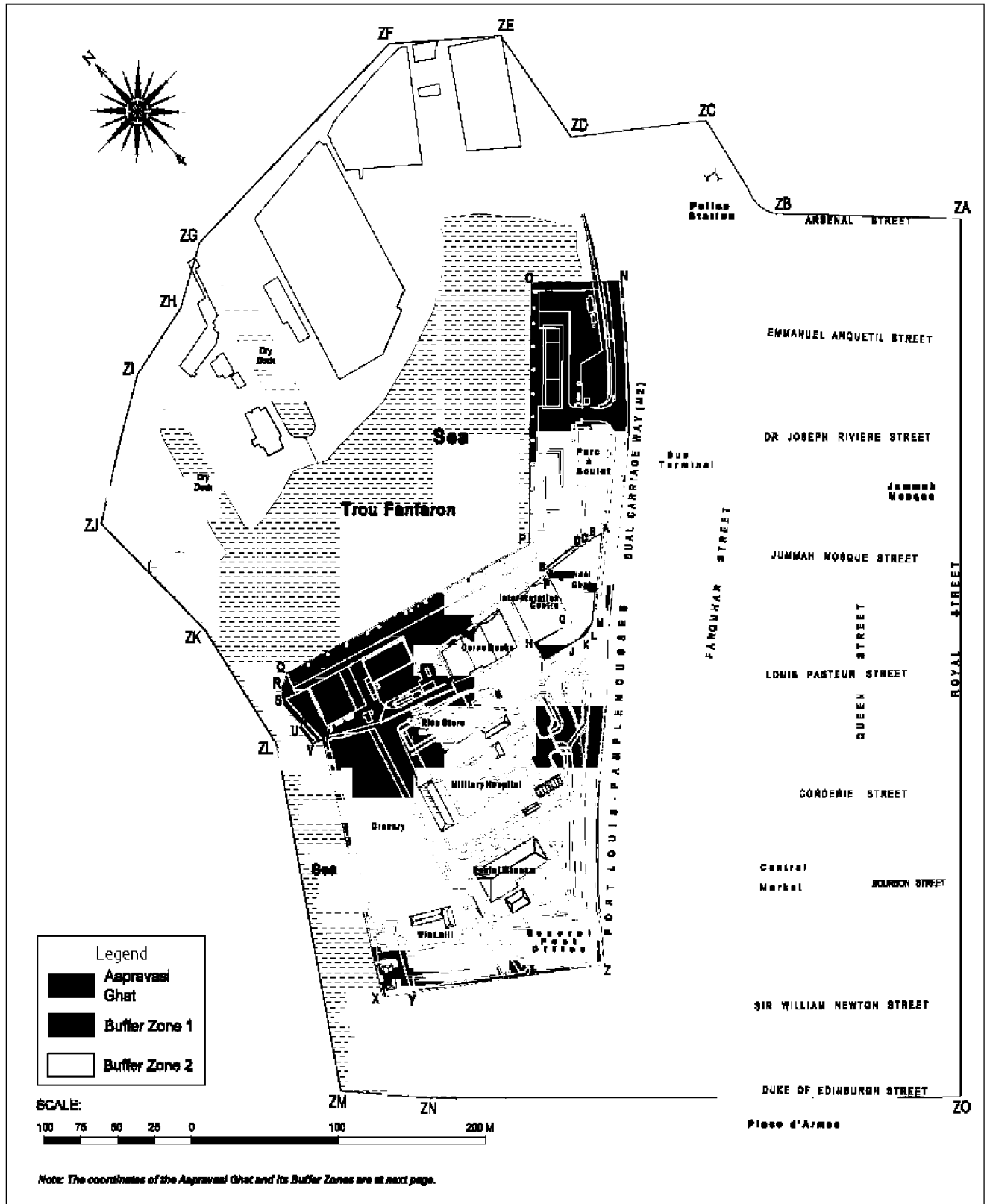
Thereafter, the limit follows in a north-easterly direction the south-east side of Royal Street up to the starting point ZA.

Note: (a) Grid coordinates are based on the National Grid System of Mauritius which is referenced on Clarke 1880 datum and Lambert Conical Orthomorphic projection and the Geographical coordinates are referenced to the World Geodetic System 1984 (WGS 84);

(b) mE means metre East;

(c) mN means metre North.

Part C - Plan of the Aapravasi Ghat and its Buffer Zones



COORDINATES OF AAPRAVASI GHAT AND ITS BUFFER ZONES

POINT	NATIONAL GRID COORDINATES		WGS 84 COORDINATES	
	EASTING (m)	NORTHING (m)	LATITUDE (S)	LONGITUDE(E)
A	997364.07	1004385.62	20° 9' 30.63"	57° 30' 13.11"
B	997357.87	1004387.67	20° 9' 30.57"	57° 30' 12.90"
C	997347.85	1004389.15	20° 9' 30.52"	57° 30' 12.55"
D	997347.96	1004389.82	20° 9' 30.50"	57° 30' 12.55"
E	997319.38	1004393.96	20° 9' 30.36"	57° 30' 11.57"
F	997317.57	1004388.20	20° 9' 30.55"	57° 30' 11.51"
G	997310.55	1004360.06	20° 9' 31.47"	57° 30' 11.27"
H	997283.00	1004367.37	20° 9' 31.23"	57° 30' 10.32"
I	997279.75	1004354.60	20° 9' 31.64"	57° 30' 10.21"
J	997303.30	1004348.46	20° 9' 31.84"	57° 30' 11.02"
K	997306.99	1004347.47	20° 9' 31.88"	57° 30' 11.14"
L	997314.50	1004347.22	20° 9' 31.88"	57° 30' 11.40"
M	997321.79	1004350.42	20° 9' 31.78"	57° 30' 11.65"
N	997482.64	1004491.15	20° 09' 27.20"	57° 30' 17.19"
O	997437.61	1004532.90	20° 09' 25.85"	57° 30' 15.64"
P	997322.18	1004415.53	20° 09' 29.66"	57° 30' 11.67"
Q	997146.78	1004470.47	20° 09' 27.87"	57° 30' 05.63"
R	997138.10	1004466.22	20° 09' 28.01"	57° 30' 05.33"
S	997131.49	1004457.98	20° 09' 28.28"	57° 30' 05.10"
T	997129.22	1004439.81	20° 09' 28.87"	57° 30' 05.02"
U	997131.50	1004439.57	20° 09' 28.88"	57° 30' 05.10"
V	997128.21	1004426.64	20° 09' 29.30"	57° 30' 04.99"
W	997134.81	1004422.70	20° 09' 29.43"	57° 30' 05.21"
X	997051.93	1004277.73	20° 09' 34.14"	57° 30' 02.36"
Y	997067.69	1004265.84	20° 09' 34.53"	57° 30' 02.90"
Z	997175.05	1004188.24	20° 09' 37.05"	57° 30' 06.60"
ZA	997676.19	1004360.38	20° 09' 31.46"	57° 30' 23.86"
ZB	997587.83	1004449.41	20° 09' 28.56"	57° 30' 20.81"
ZC	997594.12	1004525.12	20° 09' 26.10"	57° 30' 21.03"
ZD	997521.07	1004580.85	20° 09' 24.29"	57° 30' 18.52"
ZE	997530.80	1004660.21	20° 09' 21.71"	57° 30' 18.85"
ZF	997472.86	1004709.20	20° 09' 20.11"	57° 30' 16.86"
ZG	997292.63	1004707.76	20° 09' 20.16"	57° 30' 10.65"
ZH	997254.94	1004686.94	20° 09' 20.84"	57° 30' 09.35"
ZI	997204.63	1004676.99	20° 09' 21.16"	57° 30' 07.62"
ZJ	997121.32	1004626.02	20° 09' 22.82"	57° 30' 04.75"
ZK	997125.64	1004528.93	20° 09' 25.97"	57° 30' 04.90"
ZL	997110.52	1004442.63	20° 09' 28.78"	57° 30' 04.38"
ZM	996990.17	1004254.69	20° 09' 34.89"	57° 30' 00.23"
ZN	997030.95	1004209.05	20° 09' 36.38"	57° 30' 01.64"
ZO	997291.19	1003959.76	20° 09' 44.48"	57° 30' 10.60"

SECOND SCHEDULE
[Section 2]

RELATED SITES

Old Labourers' Quarters (Trianon)