

No. 33 of 1989.

Physical Planning (Consequential Amendments) Act 1989.

Certified on : 4.12.1989

PART VI. - AMENDMENT TO **HARBOURS BOARD ACT**
(CHAPTER 240).

14. General powers of the Board (Amendment of Section 20).

PART VII. - AMENDMENT TO **BUILDING ACT** (CHAPTER 301).

15. Regulations (Amendment of Section 26).

PART VIII. - AMENDMENT TO **AERODROMES (BUSINESS CONCESSIONS) ACT** (CHAPTER 354).

16. Minister may grant lease or licence (Amendment of Section 4).

PART IX. - AMENDMENT TO **VALUATION ACT** (CHAPTER 327).

17. Repeal and replacement of Section 40.

"40. MAKING OF OFFICIAL VALUATIONS."

PART X. - AMENDMENTS TO **CONSERVATION AREAS ACT**
(CHAPTER 362).

18. Functions of a Management Committee (Amendment of Section 27).

19. Approval may be granted (Amendment of Section 34).

PART XI. - AMENDMENT TO **ENVIRONMENTAL PLANNING ACT**
(CHAPTER 370).

20. Submission of environmental plan (Amendment of Section 4).

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1989.

Physical Planning (Consequential Amendments) Act 1989.

ARRANGEMENT OF SECTIONS.

PART I. - AMENDMENT TO **NATIONAL PARKS ACT**
(CHAPTER 157).

1. Powers of Director (Amendment of Section 9).

PART II. - AMENDMENTS TO **LAND ACT** (CHAPTER 185).

2. Land in townships suitable for subdivision (Amendment of Section 66).
3. Lessee desiring to subdivide land within a township (Amendment of Section 66B).
4. Approval of subdivision (Amendment of Section 71).
5. Consolidation of leases (Amendment of Section 72).

PART III. - AMENDMENT TO **LANDS ACQUISITION (DEVELOPMENT PURPOSES) ACT** (CHAPTER 192).

6. Purpose of this Act (Amendment of Section 1).

PART IV. - AMENDMENTS OF THE **MINING ACT** (CHAPTER 195).

7. Rights under prospecting authority (Amendment of Section 31).
8. Power to grant gold mining lease (Amendment of Section 42).
9. Grant of special mining lease (Amendment of Section 71).

PART V. - AMENDMENTS TO THE **PETROLEUM ACT**
(CHAPTER 198).

10. Grant of petroleum prospecting licence (Amendment of Section 20).
11. Notification of grant of petroleum development licence (Amendment of Section 34).
12. Application for pipeline licence (Amendment of Section 48).
13. Grant or refusal of pipeline licence (Amendment of Section 49).

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1989.

AN ACT

entitled

Physical Planning (Consequential Amendments) Act 1989,

Being an Act to amend various Acts in consequence of the enactment of the *Physical Planning Act 1989,*

MADE by the National Parliament to come into operation on the date of the coming into operation of the *Physical Planning Act 1989.*

PART I. - AMENDMENT TO *NATIONAL PARKS ACT* (CHAPTER 157).

1. POWERS OF DIRECTOR (AMENDMENT OF SECTION 9).

Section 9 of the *National Parks Act* (Chapter 157) is amended by adding the following subsection:-

"(4) In the exercise of his powers under Subsection (1), the Director shall have regard to physical planning considerations."

PART II. - AMENDMENTS TO *LAND ACT* (CHAPTER 185).

2. LAND IN TOWNSHIPS SUITABLE FOR SUBDIVISION (AMENDMENT OF SECTION 66).

Section 66 of the *Land Act* (Chapter 185) is amended -

(a) in Subsection (3)(b), by adding the following sub-paragraph:-

"(v) planning permission for the subdivision under the *Physical Planning Act 1989.*"; and

(b) in Subsection (5)(a)(ii), by adding the following words:-

"(which includes a plan or policy approved by a Physical Planning Board under the *Physical Planning Act 1989,* or a draft plan or policy prepared by a physical planning office)".

Physical Planning (Consequential Amendments)

3. LESSEE DESIRING TO SUBDIVIDE LAND WITHIN A TOWNSHIP (AMENDMENT OF SECTION 66B).
Section 66B of the *Land Act* (Chapter 185) is amended -
- (a) in Subsection (2), by adding the following new paragraph:-
 - "(e) planning permission for the subdivision under the *Physical Planning Act 1989*."; and
 - (b) in Subsection (3)(b)(ii), by adding the following words:-
 - "(which includes a plan or policy approved by a Physical Planning Board under the *Physical Planning Act 1989*, or a draft plan or policy prepared by a physical planning office)".
4. APPROVAL OF SUBDIVISION (AMENDMENT OF SECTION 71).
Section 71 of the *Land Act* (Chapter 185) is amended -
- (a) in Subsection (2), by adding the following paragraph:-
 - "(c) where any part of the land is within a physical planning area, be accompanied by planning permission for the subdivision under the *Physical Planning Act 1989*."; and
 - (b) in Subsection (3)(b) by adding the following words:-
 - "but, where the application is accompanied by planning permission for the subdivision under the *Physical Planning Act 1989*, shall not refuse the application for any physical planning reason.".
5. CONSOLIDATION OF LEASES (AMENDMENT OF SECTION 72).
Section 72 of the *Land Act* (Chapter 185) is amended -
- (a) in Subsection (2), by adding the following paragraph:-
 - "(c) where any part of the land is within a physical planning area, be accompanied by planning permission for the consolidation under the *Physical Planning Act 1989*."; and
 - (b) in Subsection (3)(b), by adding the following words:-
 - "but, where the application is accompanied by planning permission for the consolidation under the *Physical Planning Act 1989*, shall not refuse the application for any physical planning reason.".

Physical Planning (Consequential Amendments)

PART III. - AMENDMENT TO **LANDS ACQUISITION (DEVELOPMENT PURPOSES) ACT** (CHAPTER 192).

6. PURPOSE OF THIS ACT (AMENDMENT OF SECTION 1).

Section 1(1) of the **Lands Acquisition (Development Purposes) Act** (Chapter 192) is amended by adding the following paragraph:-

"(d) for the purposes of ensuring that land designated under the **Physical Planning Act 1989** for a particular use or uses is made available for that use or uses."

PART IV. - AMENDMENTS OF THE **MINING ACT** (CHAPTER 195).

7. RIGHTS UNDER PROSPECTING AUTHORITY (AMENDMENT OF SECTION 31).

Section 31 of the **Mining Act** (Chapter 195) is amended by repealing the words "land within the boundaries of a town or reserve" and replacing them with the following:-

"land within the boundaries of a physical planning area or reserve".

8. POWER TO GRANT GOLD MINING LEASE (AMENDMENT OF SECTION 42).

Section 42 of the **Mining Act** (Chapter 195) is amended by inserting between the words "regulations" and "grant" the following:-

",and having regard to physical planning considerations,".

9. GRANT OF SPECIAL MINING LEASE (AMENDMENT OF SECTION 71).

Section 71(1) of the **Mining Act** (Chapter 195) is amended by inserting between the words "advice" and "may" the following:-

",given after having regard to physical planning considerations,".

PART V. - AMENDMENTS TO THE **PETROLEUM ACT** (CHAPTER 198).

10. GRANT OF PETROLEUM PROSPECTING LICENCE (AMENDMENT OF SECTION 20).

Section 20(1) of the **Petroleum Act** (Chapter 198) is amended by repealing the words "after consideration of a report from the Board" and replacing them with the following:-

"after consideration of a report from the Board and after having regard to physical planning considerations".

11. NOTIFICATION OF GRANT OF PETROLEUM DEVELOPMENT LICENCE (AMENDMENT OF SECTION 34).

Section 34(1) of the **Petroleum Act** (Chapter 198) is amended -

(a) by repealing the words "the Minister shall" and replacing them with the following:-

Physical Planning (Consequential Amendments)

"the Minister, after having regard to physical planning considerations, shall"; and

(b) in Paragraph (a)(ii), by adding the following:-

"(D) any condition relating to the physical planning of the area; and".

12. APPLICATION FOR PIPELINE LICENCE (AMENDMENT OF SECTION 48).

Section 48 of the *Petroleum Act* (Chapter 198) is amended by inserting after Subsection (4) the following subsection:-

"(4A) Where a proposed pipeline is in any part of a physical planning area under the *Physical Planning Act 1989*, the applicant for the pipeline licence shall -

(a) notify the National Physical Planning Board; and

(b) notify any Physical Planning Board under the *Physical Planning Act 1989* within whose jurisdiction the proposed pipeline lies; and

(c) provide these Physical Planning Boards with a copy of the plan referred to in Subsection (4)(d),

and these Physical Planning Boards may, within 28 days of the receipt of such notification, give their views on the application to the Minister."

13. GRANT OR REFUSAL OF PIPELINE LICENCE (AMENDMENT OF SECTION 49).

Section 49(1) of the *Petroleum Act* (Chapter 198) is amended by inserting after the words "the Minister" (first occurring) the following:-

", after having regard to physical planning considerations".

PART VI. - AMENDMENT TO *HARBOURS BOARD ACT* (CHAPTER 240).

14. GENERAL POWERS OF THE BOARD (AMENDMENT OF SECTION 20).

Section 20 of the *Harbours Board Act* (Chapter 240) is amended by adding the following subsection:-

"(3) In the exercise of its powers under this section, the Board shall have regard to physical planning considerations."

PART VII. - AMENDMENT TO *BUILDING ACT* (CHAPTER 301).

15. REGULATIONS (AMENDMENT OF SECTION 26).

Section 26(1)(v) of the *Building Act* (Chapter 301) is amended by adding the following words:-

Physical Planning (Consequential Amendments)

"who, in his consideration of such a management plan, shall have regard to physical planning considerations."

19. APPROVAL MAY BE GRANTED (AMENDMENT OF SECTION 34).

Section 34(1) of the **Conservation Areas Act** (Chapter 362) is amended by inserting, immediately after Paragraph (d), the following paragraph:-

"(e) any physical planning considerations,".

PART XI. - AMENDMENT TO **ENVIRONMENTAL PLANNING ACT**
(CHAPTER 370).

20. SUBMISSION OF ENVIRONMENTAL PLAN (AMENDMENT OF SECTION 4).

Section 4(7) of the **Environmental Planning Act** (Chapter 370) is amended by inserting after the word "Minister" the following:-

",after having regard to physical planning considerations,".

I hereby certify that the above is a fair print of the **Physical Planning (Consequential Amendments) Act 1989** which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the **Physical Planning (Consequential Amendments) Act 1989** was made by the National Parliament on 31 October 1989.

Speaker of the National Parliament.

Physical Planning (Consequential Amendments)

"but not to the regulation or restriction of such signs in the interests of amenity, traffic safety or traffic control where regulations to safeguard such interests have been made under the **Physical Planning Act 1989**";".

PART VIII. - AMENDMENT TO **AERODROMES (BUSINESS CONCESSIONS) ACT** (CHAPTER 354).

16. MINISTER MAY GRANT LEASE OR LICENCE (AMENDMENT OF SECTION 4).

Section 4 of the **Aerodromes (Business Concessions) Act** (Chapter 354) is amended by adding the following subsection:-

"(3) A lease or licence granted under Subsection (1) for a purpose which is inconsistent with any law relating to physical planning or to the use, construction or occupation of buildings is, to the extent of the inconsistency, void and of no effect."

PART IX. - AMENDMENT TO **VALUATION ACT** (CHAPTER 327).

17. REPEAL AND REPLACEMENT OF SECTION 40.

Section 40 of the **Valuation Act** (Chapter 327) is repealed and is replaced by the following:-

"40. MAKING OF OFFICIAL VALUATIONS.

A valuation made on behalf of the State or by direction or under the authority of the Valuer General shall -

- (a) be carried out subject to any directions given by the Valuer General; and
- (b) be made in accordance with any information supplied by or by the authority of the Valuer General; and
- (c) take into account any decision made under the **Physical Planning Act 1989** which might affect the current value of land, (including the zoning of the land and any provisions contained in a development plan which affects the land) the subject of the valuation."

PART X. - AMENDMENTS TO **CONSERVATION AREAS ACT** (CHAPTER 362).

18. FUNCTIONS OF A MANAGEMENT COMMITTEE (AMENDMENT OF SECTION 27).

Section 27(2) of the **Conservation Areas Act** (Chapter 362) is amended by adding the following:-