

Environment (Permits) Regulation 2002

Unvalidated References:

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 2 January 2004.

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Legislative Counsel

Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 27 of 2002.

Environment (Permits) Regulation 2002

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Environment (Permits) Regulation 2002

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Environment Act 2000*.

Dated 17 January 2003.

17/01/2003
Mathew Siune

1. INTERPRETATION.

In these regulations –

“**Level 2 (Category A) activity**” means an activity prescribed by the *Environment (Prescribed Activities) Regulation 2002* to be a Level 2 (Category A) activity;

“**Level 2 (Category B) activity**” means an activity prescribed by the *Environment (Prescribed Activities) Regulation 2002* to be a Level 2 (Category B) activity;

“**Level 3 activity**” means an activity prescribed by the *Environment (Prescribed Activities) Regulation 2002* to be a Level 3 activities.

2. APPROVAL IN PRINCIPAL OF ENVIRONMENTAL IMPACT ASSESSMENT.

A decision by the Minister under Section 59(1) of the Act to issue an approval in principal in relation to a proposed activity shall be –

(a) notified to the applicant in Form 1 of Schedule 1; and

(b) registered in the register.

3. NOTICE TO APPLY FOR PERMIT PURSUANT TO SECTION 45(2) OF THE ACT.

(1) A notice to apply for a permit issued pursuant to Section 45(2) of the Act shall be in form 2 of Schedule 1.

(2) A copy of the notice served under Subsection (1) shall be registered in the register.

4. NOTICE OF REQUIREMENT TO APPLY FOR PERMIT.

(1) A person who is required to apply for a permit pursuant to a notice issued or served under Section 45(1) or (2) of the Act, shall where required by the Director, lodge an environmental improvement plan in accordance with Section 75 of the Act.

(2) The Director upon requiring a person to lodge an environmental improvement plan under Subsection (1), shall not accept the person’s application for a permit unless the person lodges an environmental improvement plan required of him.

5. INFORMATION TO ACCOMPANY PERMIT APPLICATION.

(1) Information required under Section 63 of the Act to accompany an application for a permit made under Section 60 of the Act, shall include –

- (a) comprehensive details of the processes involved in carrying out the proposed activity; and
- (b) a statement of the risks of environmental harm associated with the proposed activity; and
- (c) a description of the sources and nature of any contamination which is likely to result from the carrying out of the proposed activity; and
- (d) the steps which the applicant proposed to take to minimize or prevent any environmental harm as a result of the proposed activity; and
- (e) a map of the site; and
- (f) such other information as the Director may require.

(2) Operational procedures as may be issued by the Director shall provide further information for purposes of accompanying the permit applications either generally, or in relation to a particular type of activity.

6. REQUIREMENT TO PROVIDE FURTHER INFORMATION.

The Director may, by notice in writing served on an applicant within 28 days of receipt of the application for a permit, require the applicant to furnish, within a period specified in the notice (which shall be at least 21 days), such further information as is specified in the notice and is necessary for the considered of the application.

7. LODGEMENT OF APPLICATION.

An application for a permit under Section 60 of the Act is lodged –

- (a) upon payment of the prescribed fee; and
- (b) provided all the information specified or required by the Director in accordance with Sections 5 and 6 in relation to the application is furnished.

8. ACCEPTANCE OF APPLICATION.

(1) Subject to Section 62 of the Act where an application referred to in Section 7 is lodged in accordance with Section 7, the Director may accept the application in accordance with Section 61 of the Act.

(2) If an application is not lodged in accordance with Section 7 the Director shall not accept the application.

(3) The Director's decision shall be notified to the applicant in Form 3 of Schedule 1 and shall specify (if relevant) the number of copies of the application together with any accompanying information which require to be lodged by the application prior to further consideration of the application by the Director.

(4) Where an application referred to Section 7 is accepted, a copy of the application shall be registered in the register.

9. REFERRAL OF APPLICATIONS.

(1) Where the Director has accepted an application for a permit under Section 61 of the Act and the applicant has lodged the requisite number of copies of the application under Section 8, the Director shall, within 14 days after the receipt of the application, serve a copy of the application together with any accompanying information on –

- (a) the Provincial Government of a province where the proposed activity is planned to be carried out; and
- (b) the appropriate local level government body representing persons who are likely to experience environmental impact as a result of the proposed activity planned to be carried out in that local level government area; and
- (c) where an activity proposed to be carried out is within an urban area, the relevant planning authority for the area established under the *Physical Planning Act 1989*, or if no other planning authority is established, the National Physical Planning Board established under the *Physical Planning Act 1989*; and
- (d) where an activity involves an issue of a permit under the *Forestry Act 1991*, the Managing Director of the National Forest Service; and
- (e) where an activity involves an issue of a tenement under the *Mining Act 1992* or *Oil and Gas Act 1998*, the Departmental Head of the Department responsible for the administration of either of the Acts; and
- (f) where the likely effects of an activity affects public health, the Departmental Head of the Department responsible for health matters; and
- (g) where an application relates to an agricultural matters,

together with a notice of referral of the application to that body or person as the case may be.

(2) A notice of referral served on a body or a person under Subsection (1) shall indicate to the person or body receiving the application that, it or he has 28 days after the date of the notice within which to make a written submission to the Director.

(3) A person or body who has been served with a copy of an application under Subsection (1) may, within 28 days of the date of the notice of referral –

- (a) advise the Director whether or not –
 - (i) the proposed activity requires a permit, licence or approval under any other Act administered by that person or body; or
 - (ii) the proposed activity is a prohibited activity by or under the provision of any Act administered by that person or body; and
- (b) make a written submission to the Director of its objections or recommendations in relation to the application.

10. NOTIFICATION OF APPLICATIONS.

(1) Subject to Subsection (2) and (3), the Director shall upon acceptance of an application for a permit pursuant to Section 61 of the Act, within 28 days, publish a notice in a newspaper circulating nationally and a radio –broadcasting service (if any) which serves the province where the proposed activity is planned to be carried out, advising that any interested person may –

- (a) make written representations to the Director and furnish a copy of them to both the Director and the applicant within 21 days of the date of publication of the notice; and
- (b) view the application at such nominated places on payment of a prescribed fee.

(2) A notice published in accordance with Subsection (1) shall be in Form 4 of Schedule 1.

(3) The Director shall not publish the notice required under Subsection (1) unless the applicant pays for the costs of publication of the notice or pays the publishers for publication of the notice.

11. CONFERENCE OF INTERESTED PARTIES.

(1) The Director –

- (a) upon receiving an objection in relation to an application for a permit which is not a frivolous, vexatious or irrelevant objection; and
- (b) is of the opinion that there is a real risk that serious environmental harm may result from the carrying out of the proposed activity,

may convene a conference within 21 days of the expiry of the period for making written representations under Section 10(1) and require the applicant to make a presentation regarding its application at that conference and invite any person who has submitted a representation to discuss the application.

(2) A conference convened under Subsection (1) shall be held at a location convenient to the site where the proposed activity is planned to be carried out unless the Director approves an alternative location.

12. ACTIVITIES FOR WHICH NOTIFICATION AND REFERRAL NOT REQUIRED.

For the purposes of Section 63(1)(h) of the Act, the provisions of –

- (a) Sections 9, 10, 11, 12 and 13 do not apply to an activity listed in Schedule 2; and
- (b) Section 16(1)(d) does not apply to an activity listed in Paragraphs (b) and (c) of Schedule 2.

13. ASSESSMENT OF APPLICATIONS.

(1) The Director –

- (a) may require the applicant to engage an independent expert, in a nominated field of expertise, to consider particular issues relating to the application for a permit and submit a report to the Director; or
- (b) shall advise the applicant in writing of the Director's nominated independent expert, the terms of reference and the cost of engagement of the independent expert by the applicant.

(2) Where the choice of the nominated independent expert, the terms of reference or the cost of engagement of an independent expert cannot be agreed upon between the Director and the applicant as required under Subsection (1), the Director shall refer the issue in dispute between the Director and the applicant to the Council for determination of the issue in dispute.

(3) The Council shall have the powers of the Director under Subsection (1) and shall provide reasonable opportunity for the applicant and the Director to make submissions, in writing or orally, in relation to the issue in dispute.

14. TIME LIMIT FOR DECISION ON APPLICATION.

(1) Subject to Section 15, the Director shall in accordance with Section 65 of the Act –

- (a) approve the application and grant a permit; or
- (b) refuse the application for a permit and notify the applicant in writing of his decision, not later than –
- (c) 30 days after an application in relation to Level 2 (Category A) activity or Level 3 activity; and
- (d) 90 days after an application in relation to Level 2 (Category B) activity,

is accepted and that the requisite number of copies (if any) provided under Section 8(2).

(2) The time limit applicable under Subsection (1) may be extended –

- (a) in accordance with a written agreement made between the Director and the applicant extending the time limit; or
- (b) where the Director so advises the applicant in writing within 30 days of receipt of the application to extend the time limit as will allow the Director to process the application for such further period as the Director extends but in any case, the Directors process the application within the period so extended but such an extension shall not exceed the period of six months.

(3) A notice of refusal of an application of permit shall –

- (a) state the reasons for refusal; and
- (b) be registered in the register.

15. CONSIDERATION OF SUBMISSIONS.

(1) Subject to Section 65 of the Act, the Director shall –

- (a) in determining whether or not to grant a permit; and
- (b) in specifying the conditions to which a permit is subject,

have regard to the submissions made or the objections received under Sections 9, 10 and 11.

(2) Where –

- (a) the Departmental Head of the Department responsible for health matters objects to an application on grounds that the public health is likely to be endangered by the carrying out of the proposed activity; or
- (b) the National Physical Planning board, or another planning authority advises that a proposed activity is contrary to a planning or zoning requirement,

the Director may refuse to grant the permit.

16. PUBLICATION OF GRANT OF PERMIT.

(1) The Director shall upon grant of a permit under Section 65 of the Act –

- (a) issue a permit in Form 5 of Schedule 1 subject to such conditions as the Director may endorse on the permit under Section 66 of the Act; and
- (b) specify a commencement date not less than 28 days after the date on which the permit is issued; and
- (c) specify the duration of the permit, being –
 - (i) in the case of Level 2 (Category B) activity or Level 3 activity, at least 25 years unless a shorter period is requested by the applicant; and
 - (ii) in any other case, not exceeding 10 years;
- (d) publish a notice of the granting of the permit within seven days of the issue of the permit –
 - (i) in a newspaper circulating nationally; and
 - (ii) through the radio broadcasting service (if any) which specifically serves the province in which the proposed activity is proposed to be carried out,

stating the place where any approval in principle, the application and the permit can be inspected; and

- (e) give a copy of the permit to the applicant; and
- (f) register the permit in the register.

(2) The Director shall not publish the notice required under Subsection (1), unless the applicant pays for the costs of publication of the notice or pays the publishers for publication of the notice.

(3) A notice published in accordance with Subsection (1)(d) shall be in Form 6 of Schedule 1.

17. SINGLE APPLICATIONS.

The Director may accept a single application for a permit from an applicant for –

- (a) different activities carried out by the applicant; or
- (b) activities carried out by the applicant at different places.

18. APPLICATIONS FOR RENEWAL OF PERMIT.

(1) An application for renewal of a permit shall be –

- (a) made to the Director in Form 7 of Schedule 1; and
- (b) accompanied by the fee prescribed in the Environment (Fees and Charges) Regulation 2002.

(2) An application for renewal shall be made not less than 6 months before the date of expiry of the permit.

(3) The Director may, by notice in writing served on the applicant for renewal of a permit, require him to furnish, within a period specified in the notice, such further information in connection with the application including the applicant's compliance with the terms and conditions contained in the permit as the Director specifies in the notice.

(4) The Director shall –

- (a) accept an application made in accordance with Subsection (1); and
- (b) decide on the renewal of a permit within 28 days of acceptance of the application or receipt of any further information requested under Subsection (3); and
- (c) subject to Subsection (5) renew the permit on the same terms and conditions.

(5) Where it is found that the applicant for a renewal of a permit has not complied with the terms and conditions of the expired permit, the Director may refuse to renew the permit or renew the permit subject to the same terms and conditions as amended.

(6) The Director shall after refusing to renew an application for renewal of a permit, give a written notice of the refusal to the applicant.

(7) A notice of refusal of an application for renewal of a permit shall –

- (a) state reasons for refusal; and
- (b) be registered in the register; and
- (c) be in Form 8 of Schedule 1.

(8) Where a prior to an expiry of a permit, an application for a renewal of a permit is made in accordance with this section, the permit shall, even if it expires continue in force until such time as the Director decides.

19. RENEWAL OF PERMIT.

(1) After deciding to renew a permit, the Director shall –

- (a) issue a new permit in Form 9 of Schedule 1 endorsed with such conditions as he determines under Section 18(5); and
- (b) specify the commencement date of the permit; and
- (c) specify the duration of the permit; and
- (d) give a copy of the renewed permit to the applicant; and
- (e) register the permit in the register.

(2) The renewal of a permit takes effect on the date of expiry of the term of the expired permit.

20. NOTIFICATION OF TRANSFER OF PERMIT.

(1) Notification of a transfer of a permit shall be made to the Director by the permit holder in Form 10 of Schedule 1 and shall be accompanied by –

- (a) where the activity to which the permit relates is the subject of another permit or approval issued by another government authority or instrumentality, a statement by that authority or instrumentality consenting to the transfer; and
- (b) the permit holder's copy of the permit; and
- (c) the fee prescribed under the Environment (Fees and Charges) Regulation 2002.

(2) Upon receipt of a notification of transfer of a permit, the Director may engage a person to conduct an audit or require the permit holder to commission an audit report in accordance with Section 74 of the Act.

(3) The Director shall –

(a) accept a notice of transfer made in accordance with Subsection (1); and

(b) process the transfer of a permit –

(i) where the Director has not require an audit report under Subsection (2), within 28 days of acceptance of the notice of transfer; or

(ii) where the Director requires an audit report under Subsection (2), within 14 days of receipt of the audit report.

21. PROCESSING OF TRANSFER OF PERMIT.

(1) Upon the receipt of a notice of transfer under Section 20, the Director shall –

(a) cancel the existing permit; and

(b) issue a new permit in the name of the transferee on the same terms and conditions and for the same period as the cancelled permit; and

(c) register the new permit in the register; and

(d) give a copy of the new permit to the transferee.

(2) The new permit issued under Subsection (1) takes effect in favour of the transferee on the date of its issue or on a later date specified in it.

22. SURRENDER OF PERMIT.

(1) A permit holder may apply in writing to the Director, for approval to surrender a permit issued to him.

(2) Subject to Subsection (3), a permit holder who has ceased carrying on all activities authorized by a permit for a continuous period of 12 months, shall apply in writing to the Director for approval to surrender the permit issued to him.

(3) The Director may exempt to a permit holder from applying to surrender a permit under Subsection (2) where the permit holder shows sufficient cause as to show that he intends to carry on the activities authorized by the permit.

(4) An application for approval to surrender a permit shall be in Form 11 of Schedule 1.

(5) Upon receipt of an application for surrender of a permit, the Director may engage a person to conduct an audit or require the permit holder to commission an audit report in accordance with Section 74 of the Act.

(6) Upon receipt of an application under Subsections (1) and (2) an audit report required under Subsection (5), the Director –

(a) shall if he is satisfied that the applicant has complied with the conditions of the permit, approve the surrender of the permit without further conditions; or

(b) in any other case may –

(i) relieve the permit holder from the requirements to comply with some or all of the existing conditions of the permit; or

(ii) impose further conditions on the permit to ensure the protection or restoration of the environment; or

(iii) specify that the surrender of a permit shall be approved at such time as the permit holder satisfies the Director as to the compliance of conditions of the permit or the making of satisfactory arrangements as to comply with the conditions of the permit.

(7) Where the Director, has given directions under Subsection (6)(b) in relation to an application for surrender and the applicant complies with such directions, the applicant shall give a written report of compliance to the Director and if he is satisfied that the applicant has complied with the directions, shall approve the surrender of the permit.

(8) A permit surrendered under Subsection (6) ceases to have effect on the day on which the Director approves the surrender.

(9) The Director shall –

- (a) issue a notice of approval of surrender in Form 12 of Schedule 1;
- (b) send a copy of the notice to the permit holder; and
- (c) register the notice of surrender in the register.

23. AMENDMENT OF PERMIT.

(1) For the purposes of Section 71 of the Act, where the nature of a proposed amendment to a permit is likely to result in –

- (a) a significant change to the essential nature of the activity being carried out; or
- (b) a Level 2 activity becoming a Level 3 activity, the Director may refuse to accept the application and direct the applicant to apply for a new permit in relation to the activity.

(2) The Director may, if he determines under Section 71 of the Act that an application for amendment is a major amendment –

- (a) issue a notice under Section 50 of the Act to the applicant to undertake an environmental impact assessment in relation to the proposed amendment; and
- (b) defer the consideration of the application until such time as the Minister grants an approval in principle for the amendment as required under Section 59 of the Act.

(3) Where –

- (a) the Director has determined under Section 71 of the Act that an application for amendment is a minor amendment; or
- (b) the Minister has issued an approval in principle in relation to an application for a major amendment referred to in Subsection (2)(b), the Director shall, having regard to the criteria set out in Section 65(3) of the Act, and being satisfied of the matters set out in Section 65(1) of the Act, amend the permit.

(4) For the purposes of Subsections (2), (3) and (6), an amendment is a major amendment if the amendment is likely to cause substantial increase in the risk of serious environmental harm under the amended permit resulting from substantial change in –

- (a) the quantity or quality of contaminant permitted to be released into the environment; or
- (b) the results of the release of a quantity or quality of contaminant permitted to be released into the environment.

(5) An application for an amendment under Section 71 of the Act shall –

- (a) be made in Form 13 of Schedule 1; and
- (b) be accompanied by such information as is required under the Act for the purposes of the Director to decide on an application; and
- (c) be accompanied by the fee prescribed in Environment (Fees and Charges) Regulation 2002.

(6) Where –

- (a) an application for an amendment relates to a Level 3 activity for which an environmental impact assessment has not been conducted in relation to the proposed amendment; or
- (b) in any other case, an application for a major amendment is made and it is necessary that appropriate notification and referral of the application require to be undertaken,

the Director may refer the application to the relevant government agencies or instrumentalities and give public notice of the application in accordance with Sections 9 and 10.

(7) The Director shall, in determining whether or not to amend a permit have regard to the submissions, objections and recommendations received in response to the notification and referral of the permit under Subsection (6).

(8) Where –

- (a) the Departmental Head of the Department responsible for health matters objects to a proposed amendment on the grounds that the public health is likely to be endangered by the carrying out of a proposed activity; and
- (b) the National Physical Planning Board established under *Physical Planning Act 1989*, or another planning authority advises that a proposed amendment is contrary to a planning or zoning requirement under the *Physical Planning Act 1989*, the Director may refuse to amend the permit.

(9) The Director shall register the amended permit in the register and give a copy of the amended permit to the permit holder.

24. AMENDMENT OF PERMIT WHERE CHANGE IN ENVIRONMENT POLICY ETC.

(1) Where it is considered necessary or desirable, the Director may amend a permit if the existing conditions of the permit are inconsistent with an environment policy or a regulation made under the Act.

(2) Where the Director proposes to amend a permit under Subsection (1) he shall give written notice to the permit holder –

- (a) stating the proposed amendment and grounds for amendment; and
- (b) outlining the facts and circumstances forming the basis of the grounds for amendment; and
- (c) inviting the permit holder to make written representation to show cause as to why the permit should not be amended; and

(d) specifying that representation may be made within three months of the date of issue of the notice or such further period allowed by the Director.

(3) A permit holder who receives a notice under Subsection (2), may submit an environmental improvement plan under Section 75 of the Act setting out the steps by which the permit holder shall achieve compliance with the proposed amendments.

(4) Section 75(2) of the Act applies to a permit holder who submits an environmental improvement plan under Subsection (3).

(5) Upon approval of an environmental improvement plan, the Director shall amend the permit by imposing an additional condition requiring a compliance with the environmental improvement plan as approved by him.

(6) Following the expiry of the relevant period specified under Section 75 of the Act, the permit holder fails to lodge an environmental improvement plan, the Director shall –

- (a) consider any representations made by the permit holder; and
- (b) if he is satisfied that the amendment is necessary or desirable, amend the permit as proposed in the written notice issued under Subsection (2) or as otherwise agreed between the Director and the permit holder; and
- (c) give written notice to the permit holder of the amendment; and
- (d) register the amended permit in the register, provided such an amendment does not affect the substantive rights of the permit holder to carry on an activity authorized by the permit.

(7) The Director shall if he decides to amend a permit under Subsection (1), give written notice to the permit holder –

- (a) stating the proposed amendment and grounds for amendment; and
- (b) outlining the facts and circumstances forming the basis for the grounds referred to in Paragraph (a); and
- (c) inviting the permit holder to make written representation to show cause as to why the permit should not be amended; and
- (d) specifying that representation may be made within 28 days of date of the notice.

(8) The Director shall after the expiry of the 28 days period specified under Subsection (2)(d) –

- (a) consider the representations made by the permit holder; and
- (b) if he is satisfied that an amendment is necessary or desirable, amend the permit as proposed in the written notice issued under Subsection (2), or make such amendments as the Director considers reasonable taking into account any representations made by the permit holder; and
- (c) give written notice to the permit holder of an amendment; and
- (d) register the amended permit in the register.

(9) An amendment of a permit takes effect on the date on which the Director approves an amendment.

25. THERE IS NO SECTION 25 ON SIGNED COPY.

There is no section 25 on signed copy.

26. FAILURE TO LODGE AN ANNUAL RETURN OR FEE.

(1) Upon the failure of a permit holder to comply with a condition of a permit relating to payment of annual fee prescribed under the Environment (Fees and Charges) Regulation 2002 or lodgement of annual return, to which he fails to remedy such failure within 28 days of receipt of a written notice from the Director providing particulars of the failure, the Director may issue a notice to the permit holder requiring him to show cause as to why the permit should not be suspend.

(2) Following the issue of a notice under Subsection (1) –

(a) a permit holder fails, within the time specified in the notice, to show cause as to why the permit should not be suspended; or

(b) the Director is satisfied that no good cause exists for the failure to pay the annual fee or lodge the annual return,

the Director may suspend a permit issued to the permit holder.

(3) A suspension under Subsection (2) has effect until the annual fee is paid, or the annual return is lodged, or both, as the case may be.

(4) Following the lapse of a period of two months after the suspension of a permit under Subsection (2), the annual fee remains unpaid, or the annual return is not lodged during that time, the Director may, by notice in writing to the permit holder, cancel the permit.

27. APPEAL.

A person who is dissatisfied with a decision of the Director under this Regulation in relation to an application made by that person or in relation to an activity carried on by that person may apply under Section 68 of the Act for a review of the decision by the Council.

28. TRANSITIONAL ARRANGEMENTS.

(1) For the purposes of this Regulation and the administration of the Act, an environmental plan approved in accordance with the *Environmental Planning Act 1978* (repealed) is deemed to be an environmental impact statement approved under the Act.

(2) For the avoidance of doubt upon the coming into operation of the *Environment Act 2000* –

(a) an approved environmental plan under the *Environmental Planning Act 1978* (repealed) shall be treated in all respects as if it were a permit issued under the Act, which shall continue for –

(i) in the case of Level 2 (Category B) activity or Level 3 activity –fifty years; and

(ii) in any other case –ten years,

(b) where a person has a benefit of a permit or exemption issued under the Water Resources Act (repealed) in relation to an activity the subject of, or incidental to, an environmental plan which continues in force under Paragraph (a), and upon the expiry of that permit or exemption, the person may continue to carry on the activities authorized by the expired permit

or exemption for so long as those activities continue to be authorized under the environmental plan without any requirement to apply for or obtain a separate permit; and
 (c) upon the request of a person who has a benefit of an approved environmental plan continuing in effect under Paragraph (a), the Director shall issue a permit which confirms the continuation of the approval in the same form as a permit issued under the *Environment Act 2000*, subject to the terms and conditions of the approved environmental plan.

SCHEDULE 1 – .
INDEPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 59(1) FORM 1. Reg. Sec. 2(1)(a)
<i>Environment Act 2000</i>
MINISTER’S APPROVAL IN PRINCIPLE.
To: [<i>State applicant’s name and address</i>]
Of: []
I,having received a recommendation from the Environment Council in accordance with Section 58 of the <i>Environment Act 2000</i> hereby issue an approval-in-principle to the following activities: – [<i>Described activity</i>]
The Department of Environment and Conservation has allocated Register Number [<i>Registry number</i>]
You are now required to apply to the Director of the Environment for the issue of an environment permit to carrying on the activity.
.....
MINISTER FOR ENVIRONMENT AND CONSERVATION.
Date:/...../.....

INDEPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 45(2) FORM 2. Reg. Sec. 3(1)
<i>Environment Act 2000</i>
NOTICE TO APPLY FOR AN ENVIRONMENT PERMIT FOR AN EXISTING ACTIVITY.
To: [<i>name of person carrying on an activity</i>]
Of: [<i>site address</i>]
Take note that pursuant to Section 45(2) of the Environment Act 2000, you are required to apply for an environment permit. I have considered the nature of your activity namely [<i>Described</i>

<i>activity</i>] at [<i>Site address</i>] and am of the opinion that the activities involves a substantial risk of material environmental harm.
Your are required to lodge an environmental improvement plan in accordance with Section 75 of the Act as part of your application for an environment permit. [<i>Delete if not applicable</i>]
You must apply for an environment permit in accordance with this notice within [<i>Time which must not be less than 28 days</i>] days of the date of service of this notice.
Any queries should be directed to the Department of Environment and Conservation on: –
Telephone: [<i>Phone number</i>]
Facsimile: [<i>Fax number</i>]
The application should be addressed to:
The Director,
Department of Environment and Conservation, [<i>Postal Address</i>]
Signed: [<i>Director's name</i>] DIRECTOR
Dated: //.....

INDEPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 61 FORM 3. Reg. Sec. 8(3)
<i>Environment Act 2000</i>
DECISION IN RELATION TO AN APPLICATION FOR AN ENVIRONMENT PERMIT.
To: [<i>Names of company/person carrying on an activity</i>]
Of: [<i>Address of applicant</i>]
Further to your application for an environment permit dated [<i>Date of application</i>], I have considered the details in your application and reached the following decision –
DECISION
(a) Application accepted.
(b) Application rejected on the following grounds – [<i>Detail reasons for rejection</i>]
COPIES REQUIRED TO BE LODGED TO ALLOW FOR FURTHER PROCESSING. [<i>Copies required – if application accepted</i>]
REGISTER NUMBER

[Register number – if application accepted]
FURTHER INFORMATION If you need additional information or assistance, please contact the assessing office on:
Telephone: [Phone number] Facsimile: [Fax number]
Signed: [Name] [Designation]
DIRECTOR/DELEGATE OF THE DIRECTOR, DEPARTMENT OF ENVIRONMENT AND CONSERVATION.
Dated:/...../.....

INDEPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 63(1)(f) FORM 4 Reg. Sec. 10(2)
<i>Environment Act 2000</i>
PUBLIC NOTICE OF ACCEPTANCE OF AND APPLICATION FOR ENVIRONMENT PERMIT.
[NAME OF PROJECT/DESCRIPTION OF ACTIVITY]
Take note that [Name of permit applicant] proposes to carry out an activity at [Site address], The activity would involve [Brief description of activity].
The Director of Environment has accepted an application for an environment permit for this activity. The Application is available for viewing by interested parties for 21 days from [Date of advertisement] to [Date].
The application may be viewed at:
Department of Environment and Conservation. [Location address]
and at [Other locations where the application may be viewed]
A fee of [Amount] is payable to view the application.
Submissions to writing are invited from the public and interested parties regarding the issue of and/or conditions in the environment permit. Submissions will close on [date] at 4:00 p.m.
Any submission lodged will be considered as a public document. Any relevant comments will be considered in the assessment of the application.
All submission must be addressed to both addresses below –

The Director,
Department of Environment and Conservation,
[Postal address] [Name and address of permit applicant]

INDEPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 65& 66 FORM 5.
Reg. Sec. 16(1)

Environment Act 2000

ENVIRONMENT PERMIT

An environment permit is hereby issued under Section 65 of the
Environment Act 2000.

To: [name of permit holder]

Of: [registered address and site address where activities may be
conducted]

[Description of activities being approve with respect to
classification under the Environment (Prescribed Activities)
Regulation 2002. Compliance with terms and conditions of the
permit to be stated]

1. DATE OF ISSUE.

[Issue date]

2. DATE OF COMMENCEMENT.

[Commencement date]

3. TERM OF PERMIT.

[Duration of permit]

4. PERMIT NUMBER.

[Registry of number]

5. TERMS AND CONDITIONS.

[Detail terms and conditions of permit]

Signed:

[Director's name]

DIRECTOR

INDEPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 66 FORM 6.
Reg. Sec. 16(3)

Environment Act 2000

**PUBLIC NOTICE OF GRANT OF AN ENVIRONMENT
PERMIT**

[Name of project/Description of Activity].
Take note that [name of permit holder] proposed to [Brief description of activity] at [Site Address].
The Director of Environment has granted an environment permit for this activity. The permit is available for viewing by interested parties for 14 days from [Date of advertisement] to [Date]
The approved permit and related documentation [Including Minister's Approval in Principle/Permit application – including. If relevant] may be viewed at:
Department of Environment and Conservation [Postal address] and [Any other addresses]

INDEPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 70(a) FORM 7. Reg. Sec. 18(1)(a)
<i>Environment Act 2000</i>
APPLICATION FOR RENEWAL OF AN ENVIRONMENT PERMIT.
DATE:
PERMIT NUMBER:
DATE OF EXPIRY:
To: The Direction of Environment.
In accordance with Section 18(1)(a) of the Environment (Permits) Regulation 2002 , an application is made to renew environment permit number [Permit number] for the period of [Proposed term of renewed permit].
In accordance with Section 18(1)(a) of the E
Attached is the prescribed fee: [Amount]
There has not been any substantial change in the nature of the activity or the way in which the activity is carried out, which would otherwise differ from the details provided in the original application.
[Where there is a change in the nature of the activity or the way in the way in which the activity is carried out – provide details of the variation(s) and the potential environmental harm or risks involved]
Please address all correspondence in relation to this application to: [Registered address]

Signed: [Company's authorised person/individual permit holder] [Designation]
Dated:/ /

INDEPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 70(a) FORM 8. Reg. Sec. 18(6)
<i>Environment Act 2000</i>
RENEWAL OF AN APPLICATION FOR RENEWAL OF AN ENVIRONMENT PERMIT.
To : [Name of company/person carrying on an activity name]
Of: [Address of applicant]
Further to your application for renewal of an environment permit dated [Date of application], I have considered the details in your application and reached the following decision –
DECISION
The application for renewal of a environmental permit [Registry number] is rejected on the following grounds – [Detail reasons for rejection]
APPEAL RIGHTS
The permit holder may appeal against this decision to the Environment Council.
Signed: [Director's name] [DIRECTOR]
Dated:/...../.....

INDEDPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 70(a) FORM 9. Reg. Sec. 19(1)
<i>Environment Act 2000</i>
ENVIRONMENT PERMIT.
An environment permit is hereby issued under Section 65 of the Environment Act 2000.
To: [name of permit holder]
Of [registered address and site address where activities may be conducted]

[Description of activities being approved with respect to classification under Environment (Prescribed Activities) Regulation 2002. Compliance with terms and conditions of the permit to be stated].
1. DATE OF ISSUE
[Issue of date]
2. DATE OF RENEWAL
[Renewal of date]
3. DATE OF COMMENCEMENT
[Commencement date]
4. TERM OF PERMIT
[Duration of permit]
5. PERMIT NUMBER
[Registry number]
6. TERMS AND CONDITIONS
[Details terms and conditions of permit]
Signed:
[Director's name]
DIRECTOR

INDEPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 70(b) FORM 10. Reg. Sec. 20(1)
<i>Environment Act 2000</i>
NOTICE OF TRANSFER OF AN ENVIRONMENT PERMIT.
Pursuant to Section 20(1) of the <i>Environment (Permits) Regulation 2002</i> , I give notice of [Name of permit holder (company/person)] intention to transfer an environment permit.
1. PERMIT HOLDER.
(a) Name: [Name of permit holder]
(b) Address: [Registered address]
(c) Premises: [Site address]
2. DETAIL OF PROPOSED TRANSFEREE.
(a) Name: [Name of transferee]
(b) Address: [Registered address]
3. DESCRIPTION OF ACTIVITY.
(a) Classification: [Activity's classification under Environment

(Prescribed Activities) Regulation 2002]
(b) Description: [Brief description of activity]
4. PERMIT DETAILS.
(a) Permit No: [Registry number]
(b) Segments of the environment where discharges are permitted –
(i) Air
(ii) Land
(iii) Water [Tick box if applicable]
5. REASONS FOR TRANSFER.
[Brief summary]
6. ATTACHMENTS.
The following attachments are provided –
(a) Statement by relevant Government Authority consenting to transfer (refer to Section 20(1)(a) of Environment (Permits) Regulation 2002); and
(b) Copy of environmental permit.
7. FEE.
A transfer fee of [Amount] is enclosed.
Signed: [Company's authorized person/individual permit holder] [Designation]
Dated:/...../.....

INDEPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 70(b) FORM 11. Reg. Sec. 22(4)
<i>Environment Act 2000</i>
NOTICE OF APPLICATION TO SURRENDER OF AN ENVIRONMENT PERMIT.
Pursuant to Section 22(1) of the Environment (Permits) Regulation 2002 , I give notice of [Name of permit holder (company/person)] intention to transfer an environment permit.
1. PERMIT HOLDER.
(a) Name: [Name of permit holder]
(b) Address: [Registered address]
(c) Premises: [Site address]
2. DESCRIPTION OF ACTIVITY

(a) Classification: [<i>Activity's classification under Environment (Prescribed Activities) Regulation 2002</i>]
(b) Description: [<i>Brief description of activity</i>]
3. PERMIT DETAILS.
(a) Permit No: [<i>Registry number</i>]
(b) Segments of the environment where discharges are permitted –
(i) Air
(ii) Land
(iii) Water [Tick box if applicable]
4. REASONS FOR SURRENDER.
[<i>Brief summary</i>]
5. DATE OF SURRENDER
Proposed date of surrender:/...../.....
Signed: [<i>Company's authorized person/individual permit holder</i>] [<i>Designation</i>]
Dated:/...../.....

INDEPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 70(b0 FORM 12. Reg. Sec. 22(9)(a)
<i>Environment Act 2000</i>
APPLICATION OF SURRENDER OF AN ENVIRONMENT PERMIT.
To: [<i>Name of company/person carrying on an activity name</i>]
Of: [<i>Address of applicant</i>]
Further to your application for surrender of an environment permit dated [<i>Date of application</i>], I have considered the details in your application and am satisfied that the permit holder has complied with the relevant requirements under Section 22 of the <i>Environment (Permits) Regulation 2002.</i>
1. DESCRIPTION OF ACTIVITY.
(a) Classification: [<i>Activity's classification under Environment (Prescribed Activities) Regulation 2002</i>]
(b) Description: [<i>Brief description of activity</i>]
2. PERMIT DETAILS.
(a) Permit No: [<i>Registry number</i>]

(b) Segments of the environment where discharges are permitted –
(i) Air
(ii) Land
(iii) Water [Tick box if applicable]
3. PROPOSED DATE TO SURRENDER ENVIRONMENT PERMIT.
Proposed surrender date: /...../.....
4. DECISION.
The surrender of Environment Permit [<i>Registry number</i>] is hereby approved and ceased to have effect as the date of the notice.
Signed: [<i>Director's name</i>]
Dated:/...../.....

INDEPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 70(c) FORM 13. Reg. Sec. 23(5)(a)
<i>Environment Act 2000</i>
APPLICATION FOR AMENDMENT OF AN ENVIRONMENT PERMIT.
Pursuant to Section 23(5)(a) of the <i>Environment (Permits) Regulation 2002</i> , I give notice of [<i>Name of permit holder (company/person)</i>] intention to amend an environment permit.
1. PERMIT HOLDER.
(a) Name: [<i>Name of permit holder</i>]
(b) Address: [<i>Registered address</i>]
(c) Premises: [<i>Site address</i>]
2. DESCRIPTION OF ACTIVITY.
(a) Classification: [<i>Activity's classification under Environment (Prescribed Activities) Regulation 2002</i>]
(b) Description: [<i>Brief description of activity</i>]
3. PERMIT DETAILS.
(a) Permit No: [Registry number]
(b) Segments of the environment where discharges are permitted
(i) Air

(ii) Land
(iii) Water [Tick box if applicable]
4. REQUESTED AMENDMENTS. [Detail of amendments requested]
5. REASONS FOR AMENDMENT. [Reasons for amendments]
6. CONSEQUENCES OF AMENDMENT. [Details of environmental consequences of amendments]
7. ATTACHMENTS. The following attachments are provided – [Details of supporting information/reports attached]
8. FEE. An application fee of [Amount] is enclosed.
Signed: [Company's authorized person/individual permit holder] [Designation]
Dated:/...../.....

SCHEDULE 2 – .
INDEPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 63(1)(h) Reg. Sec. 12.
<i>Environment Act 2000</i>
ACTIVITIES FOR WHICH NOTIFICATION AND REFERRAL NOT REQUIRED.
Pursuant to Section 64 of the Act, notification, referral and consultation requirements in relation to applications and proposed permits shall be dispensed with in relation to activities which –
(a) have been subject of an environment impact assessment undertaken in accordance with Part V and Section 55 of the Act, and the Minister has approved the relevant project in principle; or
(b) are the subject of an environmental plan approved under <i>Environment Planning Act</i> (repealed); or
(c) fall within Level 2 (Category A) activities in the <i>Environment (Prescribed Activities) Regulation 2002</i> .

Office of Legislative Counsel, PNG

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