

INDEPENDENT STATE OF PAPUA NEW GUINEA

STATUTORY INSTRUMENT

No 27 of 2002

***Environment (Permits and Transitional) Regulation 2002***

Being a Regulation relating to Environment Permits,

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

1. INTERPRETATION

(1) Subject to Subsection (2), in this Regulation, unless the contrary intention appears, the terms used shall have the same interpretation as in *Section 2* of the *Environment Act 2000*.

(2) In this Regulation, unless the contrary intention appears –

”Act” means the *Environment Act 2000* as amended.

”Level 2 (Category A) activities” means those activities prescribed by the *Environment (Prescribed Activities) Regulation* to be Level 2 (Category A) activities.

”Level 2 (Category B) activities” means those activities prescribed by the *Environment (Prescribed Activities) Regulation* to be Level 2 (Category B) activities.

”Level 3 activities” means those activities prescribed by the *Environment (Prescribed Activities) Regulation* to be Level 3 activities.

**Part One - Environmental Impact Assessment**

2. APPROVAL IN PRINCIPLE

(1) For the purposes of *Section 59(4)* of the Act, a decision by the Minister to issue an approval in principle 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.

**Part Two – Permits**

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

(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) Where a notice is issued pursuant to *Section 45(2)* of the Act, a copy of the notice shall be registered in the Register.

4. NOTICE OF REQUIREMENT TO APPLY FOR PERMIT

(1) Where a person is required to apply for a permit pursuant to a notice under *Section 45(1)* or *Section 45(2)* of the Act, the Director may require that person to lodge an environmental improvement plan in accordance with *Section 75* of the Act as part of the application.

(2) Where the Director has required an applicant to lodge an environmental improvement plan as part of an application for a permit under Subsection (1), the Director may not accept the application until the environmental improvement plan has been lodged.

#### 5. INFORMATION TO ACCOMPANY PERMIT APPLICATION

(1) The Director may specify the information to accompany an application for a permit made under Section 45 or Section 60 of the Act, which 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 proposes to take to minimise or prevent any environmental harm as a result of the proposed activity; and
- (e) a map of the site.

(2) Operational Procedures may provide guidance to applicants as to the information to be provided with applications either generally, or in relation to a particular type of activity in order for the applicant to comply with Subsection(1).

#### 6. REQUIREMENT TO PROVIDE FURTHER INFORMATION

The Director may, by notice in writing served on the 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 necessary for the consideration of the application and which the Director specifies in the notice.

#### 7. LODGEMENT OF APPLICATION

An application shall be deemed to have been lodged when -

- (a) the fee prescribed under Part V of the Act has been paid; and
- (b) all the information which is specified or required by the Director in accordance with Section 5 and 6 of this Regulation in relation to the application has been provided.

#### 8. ACCEPTANCE OF APPLICATION

(1) Subject to Section 62 (Applications in relation to Level 3 activities etc.) of the Act where an application has been lodged in accordance with Section 7 of this Regulation, the Director may accept the application in accordance with Section 61 of the Act.

(2) If an application has not been lodged in accordance with Section 7 of this Regulation, the Director shall refuse to accept the application.

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

(4) Where an application has been accepted, a copy shall be registered in the Register.

#### 9. REFERRAL OF APPLICATIONS

(1) Where the Director has accepted an application pursuant to Section 61 of the Act and the applicant has lodged the requisite number of copies under Section 8 of this Regulation, the Director shall, within 14 days, serve a copy of the application and any information provided with the application on -

- (a) the Provincial Government of any province where the proposed activity is to be carried out; and
- (b) the appropriate local level government bodies representing persons who are likely to experience environmental impacts as a result of the proposed activity being carried out; and

- (c) where the activity will be carried out within an urban area - the relevant planning authority for the area established under the Physical Planning Act, or if no other planning authority has been established, the National Physical Planning Board; and
- (d) where the activity involves a permit issued under the Forestry Act the Managing Director of the National Forest Authority; and
- (e) where the activity involves a tenement issued under the Mining Act or Oil and Gas Act, the relevant Head of the Department; and
- (f) where the activity may affect public health, the Departmental Head of the Department responsible for Health matters; and
- (g) where the application relates to an agricultural activity - the Head of the Department responsible for agricultural matters, together with a notice referring the application to that body or person.

(2) A notice of referral under Subsection (1) shall indicate that the person or body receiving the application 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) -
  - (a) may, within 28 days of the date of the notice of referral, advise the Director if -
    - (i) the proposed activity will require a permit, licence or approval under any Act administered by that person or body; or
    - (ii) the proposed activity is prohibited by or under the provisions of any other Act administered by that person or body;
  - and
  - (b) may, within 28 days of the date of the notice of referral, 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), where the Director has accepted an application pursuant to Section 61 of the Act, the Director shall, within 28 days, publish a notice -

- (a) in a newspaper circulated nationally; and
- (b) in a radio-broadcasting service (if any) which serves the province where the proposed activity will be carried out; and
- (c) advising that interested persons may -
  - (i) make written representations in which case they shall provide a copy to both the Director and the applicant within 21 days of the date of publication of the notice; and
  - (ii) view the application at nominated places on payment of a fee.

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

(3) The applicant shall meet the cost of any notice published in accordance with Subsection (1). Notwithstanding anything else in this Regulation, the Director shall have no obligation to publish the notice unless he has first received the costs of publication from the applicant or the applicant has paid the publishers for publication of the notice.

#### 11. CONFERENCE OF INTERESTED PARTIES

- (1) Where -
  - (a) the Director has received an objection in relation to an application (other than a frivolous, vexatious or irrelevant objection); and
  - (b) he is of the opinion that there is a real risk that serious environmental harm may result from the carrying out of the proposed activity,
 he may convene a conference within 21 days of the expiry of the period for making written representations, 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 will be carried out unless the Director approves an alternative location.

(3) Where the Director has convened a conference under Subsection (1), the Director shall give written notice of the time and place of the conference to the applicant and all persons entitled to attend.

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 of the Regulation do not apply to the activities listed in Schedule 2; and
- (b) Section 16(1)(d) of the Regulation does not apply to the activities listed in paragraphs (b) and (c) of Schedule 2.

13. ASSESSMENT OF APPLICATIONS

(1) For the purposes of assessing an application, the Director may require the applicant to engage an independent expert, in a nominated field of expertise, to consider particular issues relating to the application and report to the Director. The Director shall advise the applicant in writing of the Director's nominated independent expert, that independent expert's terms of reference and the cost which will be incurred by the applicant to engage the independent expert.

(2) If the Director and the applicant cannot agree as to the identity of the nominated independent expert, the terms of reference of that independent expert or the cost of engaging such expert, then the Director must refer the issue in dispute between the Director and the applicant to the Environment Council for determination. In determining any such dispute between the applicant and the Director, the Environment Council shall have the powers of the Director under Subsection (1) and shall provide a reasonable opportunity for the applicant and the Director to make submissions, in writing or orally, in relation to the dispute.

14. TIME LIMIT FOR DECISION ON APPLICATION

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

- (a) approve the application and grant a permit; or
- (b) refuse the application 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) activities or Level 3 activities; and
- (d) 90 days after an application in relation to Level 2 (Category B) activities, has been accepted and the requisite number of copies (if any) provided under Section 8(3).

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

- (a) written agreement between the Director and the applicant; or
- (b) the Director advising the applicant in writing within 30 days of receipt of the application of the further period the Director will require to process the application, and the reasons for such further period, in which case the Director shall process the application within such further period which shall not exceed a period of six months.

(3) A notice of refusal of an application 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, in -

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

have regard to the submissions and the objections received under Sections 9, 10 and 11 of this Regulation.

(2) Where -

- (a) the 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) Where the Director decides to grant a permit, he shall -
- (a) issue the permit in Form 5 of Schedule 1 endorsed with such conditions as he determines 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) activities or Level 3 activities, 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 -
    - (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 will 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 applicant shall pay the cost of any notice published in accordance with Subsection (1). Notwithstanding anything else in this Regulation, the Director shall have no obligation to publish the notice, give a copy of the permit to the applicant or register the permit in the register unless he has first received the costs of publication from the applicant or the applicant has paid the publishers for publication of the notice.

(3) The notice (if any) 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*.

(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, require him to furnish, within a period specified in the notice, such further information in connection with the application and 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).

(5) Where the applicant has not complied with the terms and conditions of the permit, the Director may refuse to renew the permit or renew the permit subject to amended or further terms and conditions. In any other case, subject to the Act, the Director shall renew the permit, on the same terms and conditions.

(6) Where the Director refuses an application for renewal, he shall give written notice to the applicant in Form 8 of Schedule 1.

- (7) A notice of refusal of an application for renewal shall-
- (a) state reasons for refusal; and
  - (b) be registered in the Register.

(8) Notwithstanding anything else in this Regulation, where prior to the expiry of a permit, the holder has applied for renewal of the permit in accordance with this Section, the permit shall continue in force until the decision of Director.

#### 19. RENEWAL OF PERMIT

- (1) Where the Director decides to renew a permit, he shall -
- (a) issue the permit in Form 9 of Schedule 1 endorsed with such conditions as he determines under Section 18(5) of this Regulation; and
  - (b) specify the commencement date to be the date after the day on which the permit issued expires; 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 takes effect on the date of expiry of the original term of the permit.

#### 20. NOTIFICATION OF TRANSFER OF PERMIT

(1) Notification of the 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—a statement by that authority 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*.

(2) Upon receipt of a notification of transfer, 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 required an audit report under Subsection (2), within 28 days of acceptance of the notice;
    - (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 of this Regulation, the Director shall -

- (a) cancel the existing permit;
- (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;
- (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 and the transferee is bound by the terms and conditions of the permit 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 his permit.

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

(3) The Director may exempt a permit holder from the obligation to apply to surrender a permit under Subsection (2) upon the permit holder showing sufficient cause, including that the permit holder intends to carry on activities authorised 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) On receipt of an application under Subsection (1) or (2) and of any audit report required under Subsection (5), the Director -

- (a) if he is satisfied that the applicant has complied with the conditions of the permit— shall approve the surrender of the permit without further conditions; or
- (b) in any other case-may-
  - (i) relieve the permit holder from the obligation to comply with some or all of the existing conditions of the permit; and
  - (ii) impose further conditions on the permit to ensure the protection or restoration of the environment; and
  - (iii) specify that the surrender of the permit will be approved at such time as the permit holder satisfies the Director that the conditions have been complied with or that satisfactory arrangements have been made for compliance with them.

(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 the Director is satisfied that the applicant has complied with the directions, the Director shall approve the surrender of the permit.

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

- (9) When the Director decides to approve the surrender of a permit he 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 in the Register.

## 23. AMENDMENT OF PERMIT ON APPLICATION OF PERMIT HOLDER

(1) For the purposes of Section 71 of the Act, where the nature of a proposed amendment to a permit is such that it will 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, in which case the Director shall direct the applicant to apply for a new permit in relation to the activity.

- (2) Where the Director determines under Section 71 of the Act that an application for amendment is a major amendment, he may -
- (a) issue a notice to the applicant to undertake an environmental impact assessment in relation to the proposed amendment; and
  - (b) defer consideration of the application until the Minister has granted an approval in principle for the amendment.
- (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,
- the Director shall, having regard to the criteria set out in Section 65(3), amend the permit where he is satisfied of the matters set out in Section 65(1).
- (4) For the purposes of Subsections (2), (3) and (6), an amendment is a major amendment if it is likely that there will be a substantial increase in the risk of serious environmental harm under the amended permit because of a 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 shall -
- (a) be made in Form 13 of Schedule 1; and
  - (b) be accompanied by sufficient information to enable the Director to decide on the application; and
  - (c) be accompanied by the fee prescribed in *Environment (Fees and Charges) Regulation*.
- (6) Where -
- (a) in the case of a Level 3 activity—the application for amendment relates to a Level 3 activity and an environmental impact assessment has not been conducted in relation to the proposed amendment; or
  - (b) in any other case where an application for a major amendment is made—it is reasonably appropriate that notification and referral of the application should be undertaken,
- the Director may refer the application to government agencies and give public notice of the application in accordance with Section 9 and 10 of this Regulation.
- (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.
- (8) Where -
- (a) the Departmental Head of the Department responsible for health matters objects to a proposed amendment 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 amendment is contrary to a planning or zoning requirement,
- 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 the Director considers it necessary or desirable, he may amend a permit if the existing conditions of the permit are inconsistent with an environment policy or the regulation;

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

- (a) state the proposed amendment and grounds for amendment; and
- (b) outline the facts and circumstances forming the basis for the grounds; and
- (c) invite the permit holder to make written representation to show cause why the permit should not be amended; and
- (d) specify that representation may be made within three months of the date of the notice or such further period allowed by the Director.

(3) Where a permit holder has received a notice under Subsection (2), he may submit an environmental improvement plan under Section 75 of the Act setting out the steps by which the permit holder will achieve compliance with the proposed amendments.

(4) If a permit holder has submitted an environmental improvement plan under Subsection (3), then Section 75(2) of the Act shall apply.

(5) Where the Director approves an environmental improvement plan, the Director shall amend the permit by imposing an additional condition requiring compliance with the environmental improvement plan approved by the Director.

(6) If, after the expiry of the relevant period specified under Section 75 of the Act the permit holder has not lodged an environmental improvement plan, the Director shall -

- (a) consider any representations made by the permit holder and
- (b) if he is satisfied the amendment is necessary or desirable, amend the permit as proposed in the written notice issued under Subsection (2) or as otherwise agreed with the permit holder; and
- (c) give written notice to the permit holder of the amendment; and
- (d) register the amended permit in the Register.

(7) An amendment made under Subsection (6) takes effect on the date on which the Director approves the amendment.

## 25. AMENDMENT OF PERMIT BY DIRECTOR

(1) Where the Director considers it necessary or desirable, the Director may, in accordance with this Section, amend a term or condition of a permit relating to -

- (a) provision of reports or information of administrative or technical nature; or
- (b) existing conditions of the permit which are inadequate to prevent serious or material environmental harm,

and, such amendment should not affect the substantive rights of the permit holder to carry on an activity authorised by the permit.

(2) Where the Director makes a decision to amend a permit under Subsection (1), he shall give written notice to the permit holder which shall -

- (a) state the proposed amendment and grounds for amendment; and
- (b) outline the facts and circumstances forming the basis for the grounds; and
- (c) invite the permit holder to make written representation to show cause why the permit should not be amended; and
- (d) specify that representation may be made within 28 days of date of the notice.

(3) 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 the amendment is necessary or desirable, amend the permit as proposed in the written notice issued under Subsection (2), or with such amendments as the Director considers reasonable to take into account any representations made by the permit holder, and
- (c) give written notice to the permit holder of the amendment; and
- (d) register the amended permit in the Register.

(4) The amendment takes effect on the date on which the Director approves the amendment.

26 FAILURE TO COMPLY WITH CONDITION TO LODGE ANNUAL RETURN OR FEE

(1) Where a permit holder fails to comply with a condition of the permit relating to payment of annual fee prescribed in the *Environment (Fees and Charges) Regulation* or lodgement of annual return, and fails to remedy such failure within 28 days of receipt of a written notice from the Director providing particulars of the failure, then the Director may issue a notice to the permit holder requiring the permit holder to show cause why the permit should not be suspended.

- (2) Where the Director has issued a notice under subsection (1) and –
- (a) a permit holder has failed, within the time specified in the notice, to show cause 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.

(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) Where a period of two months has elapsed following the suspension of a permit under Subsection (2), and the annual fee has not been paid, or the annual return has not been lodged during that time, the Director may, by notice in writing to the permit holder, cancel the permit.

**Part Three – Appeals**

27. APPEALS

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 for a review of the decision by the Environment Council in which case Section 68 of the Act shall apply.

**Part Four - Transitional**

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* (repealed) shall be treated in all respects as if it were an environmental impact statement approved under the Act.

(2) If upon the coming into effect of the *Environment Act 2000*, a person has the benefit of an environmental plan approved under the *Environmental Planning Act* (repealed), then (for the avoidance of doubt) -

- (a) such environmental plan 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) activities or Level 3 activities – fifty years; and
  - (ii) in any other case - ten years,after the coming into effect of the *Environment Act 2000*;
- (b) where that person has the benefit of a permit or exemption issued under the *Water Resources Act* (repealed) in relation to activities which are the subject of, or incidental to, an environmental plan which continues under paragraph (a), upon the expiry of the permit or exemption the person may continue to carry on the activities authorised by the expired permit or exemption for so long as those activities continue to be authorised under the environmental plan without any requirement to apply for or obtain a separate permit; and
- (c) upon the request of the person who has the benefit of an approved environmental plan which continues 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**

Act, Sec. 59(1)  
Reg., Sec. 2(1)(a)

THE INDEPENDENT STATE OF  
PAPUA NEW GUINEA

FORM 1.

**ENVIRONMENT ACT 2000**

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**MINISTER'S APPROVAL IN PRINCIPLE**

TO: [ *applicant's name* ]  
OF: [ *applicant's address* ]

I, [ *Minister's name* ], have received a recommendation from the Environment Council in accordance with *Section 58* of the *Environment Act 2000* and give notice that I give **Approval-In-Principle** to the following activities: [ *Describe activities* ].

The Department of Environment and Conservation has allocated Register Number [ *Registry number* ] to the activities.

Note that you are required to apply to the Director of the Environment for an Environment Permit prior to carrying on the activity.

Signed .....  
MINISTER FOR ENVIRONMENT  
AND CONSERVATION

Dated: ...../...../.....

**ENVIRONMENT ACT 2000**

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**NOTICE TO APPLY FOR AN ENVIRONMENT PERMIT FOR AN EXISTING ACTIVITY**

TO: [ *name of company/person carrying on an activity* ]  
OF: [ *site address* ]

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 [ *Describe activity* ] at [ *Site address* ] and am of the opinion that the activities involve a substantial risk of material environmental harm.

You 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. [ *Delete if not applicable* ]

You must apply for an Environment Permit in accordance with this notice within [ *Time, which must not be less than 28 days* ] days of the date of service of this notice.

Any queries should be directed to the Department of Environment and Conservation on:

Telephone: [ *Phone number* ]  
Facsimile: [ *Fax number* ]

The application should be addressed to:

The Director,  
Department of Environment and Conservation,  
[ *Postal address* ]

Signed: .....

[ *Director's name* ]  
DIRECTOR

Dated: ...../...../.....

**ENVIRONMENT ACT 2000**

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**DECISION IN RELATION TO APPLICATION FOR AN ENVIRONMENT PERMIT**

TO: [ *Name of company/person carrying on an activity name* ]

OF: [ *Address of applicant* ]

Further to your application for an Environment Permit dated [ *Date of application* ], I have considered the details in your application and reached the following decision -

**DECISION**

- a). Application accepted.
- b). Application rejected on the following grounds –  
[ *Detail reasons for rejection* ]

**COPIES REQUIRED TO BE LODGED TO ALLOW FOR FURTHER PROCESSING**

[ *Copies required – if application accepted* ]

**REGISTER NUMBER**

[ *Registry number - if application accepted* ]

**FURTHER INFORMATION**

If you need additional information or assistance, please contact the assessing officer on:

Telephone: [ *Phone number* ]

Facsimile: [ *Fax number* ]

Signed: .....

[ *Name* ]

[ *Designation* ]

**DIRECTOR/DELEGATE OF THE DIRECTOR,  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

Dated: ...../...../.....

**ENVIRONMENT ACT 2000**

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**PUBLIC NOTICE OF ACCEPTANCE OF AN APPLICATION FOR AN 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 & Conservation  
[ *Location address* ]

and at

[ *Other locations where the application may be viewed* ].

A fee of [ *Amount* ] is payable to view the application.

Submissions in 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 submissions must be addressed to both addresses below -

The Director,  
Department of Environment and Conservation,

[ *Postal address* ]

[ *Name and address  
of permit applicant* ]

**ENVIRONMENT ACT 2000**

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**ENVIRONMENT PERMIT**

An Environment Permit is hereby issued under *Section 65* of the *Environment Act 2000*

TO: [ *name of permit holder* ]

OF: [ *registered address & site address where activities may be conducted* ]

[ *Description of activities being approve with respect to classification under Environment (Prescribed Activities) Regulation.  
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 number* ]

5. TERMS AND CONDITIONS

[ *Detail terms and conditions of permit* ]

Signed: .....

[ *Director's name* ]

DIRECTOR

**ENVIRONMENT ACT 2000**

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

[ *NAME OF PROJECT/DESCRIPTION OF ACTIVITY* ]

Take note that [ *Name of permit holder* ] proposes 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 – include, if relevant* ] may be viewed at:

Department of Environment & Conservation

[ *Postal address* ]

and

[ *Any other addresses* ]

**ENVIRONMENT ACT 2000**

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**APPLICATION FOR RENEWAL OF AN ENVIRONMENT PERMIT**

DATE:  
PERMIT NUMBER:  
DATE OF EXPIRY:

TO: The Director of Environment

In accordance with *Section 18(1)(a)* of the *Environment (Permits and Transitional) Regulation*, an application is made to renew environment permit number [ *Permit number* ] for the period of [ *Proposed term of renewed permit* ].

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 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: ...../...../.....

**ENVIRONMENT ACT 2000**

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**REFUSAL 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 Environment 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: ...../...../.....

**ENVIRONMENT ACT 2000**

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**ENVIRONMENT PERMIT**

An Environment Permit is hereby issued under *Section 65* of the *Environment Act 2000*

TO: [ *name of permit holder* ]  
OF: [ *registered address & site address where activities may be conducted* ]

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

1. DATE OF ISSUE  
[ *Issue date* ]
2. DATE OF RENEWAL  
[ *Renewal date* ]
3. DATE OF COMMENCEMENT  
[ *Commencement date* ]
3. TERM OF PERMIT  
[ *Duration of permit* ]
4. PERMIT NUMBER  
[ *Registry number* ]
5. TERMS AND CONDITIONS  
[ *Detail terms and conditions of permit* ]

Signed: .....

[ *Director's name* ]  
DIRECTOR

**ENVIRONMENT ACT 2000**

**NOTICE OF TRANSFER OF AN ENVIRONMENT PERMIT**

Pursuant to *Section 20(1)* of the *Environment (Permits and Transitional) Regulation*, 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. DETAILS 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* ]  
(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 and Transitional) Regulation*), and  
(b) Copy of Environmental Permit.

7. FEE

A transfer fee of [ *Amount* ] is enclosed.

Signed: .....

[ *Company's authorised person/individual permit holder* ]  
[ *Designation* ]

Dated: ...../...../.....

**ENVIRONMENT ACT 2000**

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**NOTICE OF APPLICATION TO SURRENDER OF AN ENVIRONMENT PERMIT**

Pursuant to Section 22(1) of the *Environment (Permits and Transitional) Regulation*, 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: [ *Activity's classification under Environment (Prescribed Activities) Regulation* ]  
(b) Description: [ *Brief description of activity* ]

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. REASONS FOR SURRENDER

[ *Brief summary* ]

5. DATE OF SURRENDER

Proposed date of surrender: ...../...../.....

Signed: .....

[ *Company's authorised person/individual permit holder* ]  
[ *Designation* ]

Dated: ...../...../.....

**ENVIRONMENT ACT 2000**

**APPROVAL OF SURRENDER OF AN ENVIRONMENT PERMIT**

TO: [ *Name of company/person carrying on an activity name* ]

OF: [ *Address of applicant* ]

Further to your application for surrender of an Environment Permit dated [ *Date of application* ], 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 *Environment (Permits and Transitional) Regulation*.

**DESCRIPTION OF ACTIVITY**

- (a) Classification: [ *Activity's classification under Environment (Prescribed Activities) Regulation, 2001* ]  
(b) Description: [ *Brief description of activity* ]

**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* ]

**PROPOSED DATE TO SURRENDER ENVIRONMENT PERMIT**

Proposed surrender date: ...../...../.....

**DECISION**

The surrender of Environment Permit [ *Registry number* ] is hereby approved and ceased to have effect as of the date of this notice.

Signed: .....

[ *Director's name* ]

Dated: ...../...../.....

**ENVIRONMENT ACT 2000**

**APPLICATION FOR AMENDMENT OF AN ENVIRONMENT PERMIT**

Pursuant to Section 23(5)(a) of the *Environment (Permits and Transitional) Regulation*, I give notice of  
[ *Name of permit holder (company/person)* ] intention to amend 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: [ *Activity's classification under Environment (Prescribed Activities) Regulation* ]  
(b) Description: [ *Brief description of activity* ]

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 authorised person/individual permit holder* ]  
[ *Designation* ]

Dated: ...../...../.....

**SCHEDULE 2**

*Act, Sec. 63(1)(h)*  
*Reg., Sec. 12*

THE INDEPENDENT STATE OF  
PAPUA NEW GUINEA

**ENVIRONMENT ACT 2000**

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**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 the subject of an environmental impact assessment undertaken in accordance with Part V of the Act, and in particular Section 55 (Public Review and Submissions), and the Minister has approved the relevant project in principle;
- (b) are the subject of an environmental plan approved under the *Environmental Planning Act* (repealed); or
- (c) fall within Level 2 (Category A) activities in the *Environment (Prescribed Activities) Regulation*.