

**AUTONOMOUS REGION OF BOUGAINVILLE.**

No. 1 of 2013

AN ACT

entitled

***Bougainville Physical Planning Act 2013.***

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**AUTONOMOUS REGION OF BOUGAINVILLE.**

No. 1 of 2013

AN ACT

*Entitled*

***Bougainville Physical Planning Act 2013.***

Being an Act to establish a comprehensive mechanism for physical planning in the Autonomous Region of Bougainville and to provide powers for the planning and regulation of physical development, and for related purposes.

**MADE** by the House of Representatives.

**PART 1. – PRELIMINARY.**

**1. COMMENCEMENT.**

This Act comes into force on the date of its publication in the Bougainville Gazette.

**2. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

In accordance with Section 303 of the *Papua New Guinea Constitution* and Section 180 of the *Bougainville Constitution* this Act, to the extent that it regulates or restricts a right or freedom referred to in Division 2 Part 14 of the *Bougainville Constitution* (Qualifications on the qualified rights), namely–

- (a) the freedom from arbitrary search and entry by Section 180(1)(b) of the *Bougainville Constitution*; and
- (b) the right to privacy conferred by Section 180(1)(g) of the *Bougainville Constitution*; and
- (c) the right to freedom of expression conferred by Section 180(1)(d) of the *Bougainville Constitution*,

is a law that is made for the purpose of giving effect to the public interest in public welfare and public health.

**3. APPLICATION.**

- (1) This Act binds the Autonomous Region of Bougainville.
- (2) This Act applies to all land in the Autonomous Region of Bougainville.

**4. INTERPRETATION.**

(1) In this Act, unless the contrary intention appears –

“amenity” means those physical attributes in a neighbourhood which contribute to the quality of the environment and to its better enjoyment for any permitted use;

“appeal” means an appeal under Section 60;

“authorized person” means a person designated in writing by the Bougainville Board or by the Minister to be an authorized person for the purposes of a particular provision of this Act;

“authorized purpose”, in relation to a building or land, means a purpose for which, under Section 40, a building may be erected or land may be used;

“Bougainville Board” means the Bougainville Physical Planning Board established under Section 9;

“building” includes any house, hut, shed, or roofed enclosure whether or not used for human occupation, and any wall, fence, platform, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, jetty, landing stage, or bridge, and any structure, support, or foundation connected to or supporting any of those structures;

“consolidation” means, in relation to land, the combination into one parcel of two or more parcels of land whether the consolidation is effected for the purposes of convenience, transfer, partition, sale, gift, lease, mortgage, or any other purpose; and

“consolidate” has a corresponding meaning;

“development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land, and includes–

(a) the deposit of refuse or waste materials on land, notwithstanding that the land is comprised in a site already used for that purpose; and the formation and laying out of means of access to roads;

(b) but does not include–

(i) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building, or which do not materially affect the external appearance of the building and (in either case) do not increase the floor space available in the building; and

(ii) the carrying out by or on behalf of the responsible authority of works required for the maintenance or minor improvement of a road, other than the widening of a road or junction to provide an additional lane or lanes; and

(iii) the carrying out by a statutory undertaker or other authorized person of works for the purposes of inspecting,



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- repairing or renewing any sewers, mains, pipes, cables or other apparatus; and
  - (iv) the use of land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used; and
  - (v) in the case of any building or other land within a zone, the use of the building or land for any other purpose specified as falling within that zone;
- “development plan” has the meaning, and contains the information, specified in Section 21;
- “development plan area” means an area which is specified by the Minister in an order for preparation of a development plan under Section 26;
- “land” includes any building or other works on any land and water areas adjoining the land;
- “landscaping” has the meaning given by Subsection (2);
- “Minister” means the member of the Bougainville Executive Council responsible for physical planning;
- “National Physical Planning Board” means the National Physical Planning Board established by Section 8 of the *Physical Planning Act 1989*;
- “occupier” means a person in actual occupation of any land or building or, if there is no person in actual occupation, the person entitled to possession of the land;
- “offensive trade” means a trade, business, process or manufacture—
- (a) that is carried on in a melting house or in a building or place for boiling meat, offal or blood, or for boiling or crushing bones; or
  - (b) that is carried on in such a way as to cause offensive effluvia; or
  - (c) by which lead poisoning or other poisoning may be caused; or
  - (d) that is declared under Section 38 to be an offensive trade for the purposes of this Act;
- “outline planning permission” means planning permission in principle for a development which is approved subject to subsequent submission and approval of reserved matters;
- “owner” includes —
- (a) in relation to land the subject of a State lease under or continued in force by the *Land Act 1996*—the lessee under the lease; and
  - (b) if a person is in occupation of Government improved land under an agreement with the Government—that person; and
  - (c) if the registered proprietor or lessee of the land is not known—his or her agent or trustee; and
  - (d) if the registered proprietor or lessee of the land is dead—his or her personal legal representatives; and

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- (e) if none of the persons mentioned in Paragraphs (a), (b) or (d) can be located—the person who for the time being is receiving the rent of the land or building, whether on his or her own account, or as an agent or trustee of another, or as a receiver, or who would be receiving the rent if the land or building were let;

“physical planning area” includes –

- (a) any town; and
- (b) any area which is declared as such under Section 37;

“planning permission” means an approval from the Bougainville Board to permit development and includes—

- (a) an approval to allow the use of a building or land in a zone for a purpose which is not specifically permitted; and
- (b) an approval to a request for the change in zoning of land; and
- (c) an approval to subdivide or consolidate land,  
under this Act;

“road” means any road, and includes any street, square, court, alley, lane, bridge, footway, track, bridle path, passage, or highway, whether a thoroughfare or not, over which the public has a right of way, the extent of a road being deemed to include the whole of the road reserve, and includes a reserve for a proposed road;

“road reserve” means any piece of land left for the purposes of providing public access to land whether or not a road has been constructed on it;

“subdivision” means the subdivision of an area of land into two or more parts, whether the subdivision is effected for the purposes of convenience, transfer, partition, sale, gift, lease, mortgage, or any other purpose, and “subdivide” has a corresponding meaning;

“this Act” includes the regulations;

“Tribunal” means the Bougainville Physical Planning Appeals Tribunal established by Section 54;

“use” in relation to any land, means any use of the land other than merely for the keeping or storage of materials and equipment intended to be employed in the construction or erection of buildings or engineering works on that land and for which planning permission has been obtained under this Act or, if planning permission is not required, which are for an authorized purpose under this Act;

“utilities” includes roads, water and electricity supplies, street lighting, sewerage, surface water drainage, and other similar public services and conveniences;

“zone” means an area within which the development and the use of land or buildings or both, is restricted to one or more particular purposes;

“zoning” has the meaning specified in Section 39(1).



- (2) Landscaping is the treatment (other than by the erection of buildings) of land for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated, and includes the following-
  - (a) the screening by fences, walls and other means;
  - (b) the planting of trees, hedges, shrubs and grass;
  - (c) the formation of banks, terraces and other earth works;
  - (d) the laying out of gardens.
- (3) For the avoidance of doubt, a reference to an Act, other than this Act, is a reference to an Act of the National Parliament.

**5. PHYSICAL PLANNING MATTERS OF NATIONAL INTEREST.**

- (1) The following are matters of national interest for the purposes of this Act-
  - (a) a planning matter which straddles the boundary of the Autonomous Region of Bougainville and a province where there is disagreement on how the matter is to be dealt with;
  - (b) a planning matter of sufficient size and scale as to affect substantially the Autonomous Region of Bougainville and a province;
  - (c) a planning matter which relates to a National Government function, other than the zoning of land which is not the subject of a lease.
- (2) On receipt of an application for planning permission that concerns matters of national interest the Bougainville Board must immediately –
  - (a) inform the relevant Department of the National Government; and
  - (b) give the relevant Department of the National Government an opportunity to be heard on the application.

**6. CONSIDERATION OF PHYSICAL PLANNING MATTERS.**

When considering a physical planning matter under this Act, the Bougainville Board must take into account the following matters–

- (a) the provisions of the *Environmental Planning Act 1978*, the *Environmental Contaminants Act 1978*, and the *Conservation Areas Act 1978*;
- (b) the impact on the environment and, where harm to the environment is likely to be caused, any means that may be employed to protect the environment or to reduce that harm;
- (c) the effect of any development on amenity including the external appearance of the development in so far as this affects amenity;
- (d) the character, location, bulk, scale, size, height and density of any development;
- (e) the social, cultural and the economic aspects of the matter;
- (f) the size and shape of land which is proposed to be developed, the sitting of any building or works on the land, and the area to be occupied by any development;
- (g) whether land is unsuitable for development by reason of its being, or being likely to be, subject to flooding, tidal inundation, subsidence, slip, bush



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- fire, earthquake, volcanic eruption, or to any other risk whether natural or otherwise ;
- (h) the relationship of any development to any development on adjoining land or on other land in the locality;
  - (i) whether the proposed means of entrance to and exit from any development, and from the land on which any development is to take place, are adequate and whether adequate provision has been made for the loading, unloading, maneuvering and parking of vehicles within any development or on any land;
  - (j) the amount of traffic likely to be generated by any development, particularly in relation to the capacity of the road system in the locality and the probable effect of that traffic on the movement of traffic on that road system;
  - (k) whether public transport services are available and adequate;
  - (l) whether utility services are available and adequate;
  - (m) the landscaping of the land on which development is proposed and whether trees on the land should be preserved;
  - (n) representations made by a public authority in relation to the development of an area, and to the rights and powers of that public authority;
  - (o) representations on physical planning grounds made by a member of the general public;
  - (p) policy directives given by the Minister if such directives do not conflict with any other provisions of this Act;
  - (q) whether any development will affect the approach to an aerodrome or aeronautical navigation aids or any other civil aviation facilities;
  - (r) whether any development will affect the operation of a port;
  - (s) an approved plan for education prepared under Division II.2 Part 2 Division (2) of the *Education Act* 1983;
  - (t) any approved plan for health;
  - (u) the mineral resources of land whether proven or potential; and
  - (v) any other matters which can be considered reasonably relevant to physical planning.

**PART 2. – ADMINISTRATION.**

**7. CHIEF PHYSICAL PLANNER.**

- (1) The Bougainville Senior Appointments Committee may appoint a person suitably qualified in town and country planning to be the Chief Physical Planner for the purposes of this Act.
- (2) Subject to lawful directions of the Bougainville Senior Appointments Committee, the Chief Physical Planner is charged with the administration of this Act.
- (3) The Chief Physical Planner is charged with the maintenance of standards of physical planning in the Autonomous Region of Bougainville and has such other powers, functions, duties and responsibilities as prescribed by or under this Act.
- (4) A copy of the appointment made under Subsection (1) must be published in the Bougainville Gazette.

**8. DUTIES OF MINISTER RESPONSIBLE FOR PHYSICAL PLANNING.**

The Minister has the following duties –

- (a) to ensure that land is used in accordance with sound physical planning principles;
- (b) to ensure that there is consistency and continuity in the preparation and execution of development plans;
- (c) in the exercise of general physical planning control in the Autonomous Region of Bougainville.



**PART 3. – BOUGAINVILLE PHYSICAL PLANNING BOARD.**

**9. ESTABLISHMENT OF BOUGAINVILLE PHYSICAL PLANNING BOARD.**

The Bougainville Physical Planning Board is established.

**10. MEMBERSHIP OF THE BOARD.**

(1) The Bougainville Board consists of–

- (a) the Chief Administrator or the Head of the Bougainville Public Service, ex officio member; and
- (b) the Chief Executive Officer of the Division or Department responsible for works matters, ex officio member; and
- (c) the Chief Executive Officer responsible for land matters, ex officio member; and
- (d) one member to represent the private business sector, nominated by the sector ; and
- (e) one member with experience of physical planning who is either a registered engineer or a registered architect or a registered surveyor or a registered valuer or a professional town planner or a lawyer from the private sector; and
- (f) up to three other members who will include at least one representative from each of the following–
  - (i) sporting bodies and groups;
  - (ii) churches;
  - (iii) women.

(2) The members referred to in Subsection (1) (d), (e), and (f) are –

- (a) to be appointed by the Bougainville Executive Council; and
- (b) to be appointed for a period not exceeding three years as the Bougainville Executive Council determines; and
- (c) to be appointed on such terms and conditions as the Bougainville Executive Council determines; and
- (d) eligible for re-appointment.

(3) Notices of appointments made under Subsection (1), (d), (e) and (f) must be published in the Bougainville Gazette.

**11. CHAIRPERSON AND DEPUTY CHAIRPERSON.**

The Bougainville Executive Council, acting on advice of the Bougainville Board, must appoint a member under Section 10 (1) (d), (e), or (f) to be the Chairperson of the Board and another member to be the Deputy Chairperson.

**12. RESIGNATION.**

A member appointed by the Bougainville Executive Council may resign his or her office by written notice to the Minister.

**13. VACATION OF OFFICE.**

- (1) If a member—
  - (a) becomes permanently incapable of performing his or her duties; or
  - (b) resigns his or her office under Section 12; or
  - (c) is absent, except with the written consent of the Chairperson, from three consecutive meetings of the Bougainville Board; or
  - (d) fails to comply with Section 14; or
  - (e) becomes bankrupt, or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
  - (f) is convicted of an offence punishable under a law by a term of imprisonment for one year or longer,the Bougainville Executive Council must terminate the member's appointment.
- (2) The Bougainville Executive Council may at any time by written notice advise a member, other than an ex officio member, that it intends to terminate the member's appointment on the grounds of inefficiency, incapacity or misbehaviour.
- (3) Within 14 days after the receipt of a notice under Subsection (2), the member may reply in writing to the Bougainville Executive Council, who must consider the reply, and, where appropriate, terminate the appointment.
- (4) If the member referred to in Subsection (2) does not reply in accordance with Subsection (3), his or her appointment is by force of this subsection terminated.
- (5) The exercise or performance of a power or function of the Bougainville Board is not invalidated by reason of a vacancy in the membership of the Board.

**14. DISCLOSURE OF INTEREST BY MEMBERS OF THE BOARD.**

- (1) If a member of the Bougainville Board has —
  - (a) a direct or indirect pecuniary interest; or
  - (b) other interests,in a matter being considered or about to be considered by the Board the member must, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her pecuniary interest or other interests at a meeting of the Board.



- (2) After the disclosure, the member—
  - (a) must not take part in any deliberation or decision of the Bougainville Board with respect to that matter; and
  - (b) must be disregarded for the purpose of constituting a quorum of the Bougainville Board for any such deliberation or decision; and
  - (c) must not remain in the same room while the matter is under consideration.
- (3) A disclosure under Subsection (1) must be recorded in the minutes of the Board.

**15. CONDUCT OF THE BOARD.**

- (1) At a meeting of the Bougainville Board—
  - (a) a quorum is five members; and
  - (b) the Chairperson, or in his or her absence—the Deputy Chairperson, or in his or her absence—one of the members appointed by the members present, will preside; and
  - (c) all matters will be decided by a simple majority of votes; and
  - (d) the member presiding has a deliberative vote and, in the event of an equality of votes, also a casting vote; and
  - (e) the Chairperson has the discretion to allow any person to appear before the Bougainville Board and make a presentation on any physical planning matter.
- (2) A meeting of the Bougainville Board is open to members of the public.
- (3) The Bougainville Board will meet three times in each year at such time and place as the Chairperson, or Acting Chairperson for the time being, decides.
- (4) The Bougainville Board may meet at any other time due to the urgency of a matter at the written request of at least three members of the Board.
- (5) The Bougainville Board must ensure that —
  - (a) minutes of the meetings of the Board are kept; and
  - (b) a copy of the minutes of each meeting is sent as soon as is reasonably practicable to the Chief Physical Planner; and
  - (c) the minutes are kept available for inspection by members of the public.

**16. PRESENCE OF ADVISERS AND OBSERVERS AT BOARD MEETINGS.**

- (1) The Chief Physical Planner must participate in all meetings of the Bougainville Board for the purpose of providing advice on any matter before the Bougainville Board but does not have a vote and is not a member of the Bougainville Board for any purpose.

- (2) The following bodies have the right to send a representative to any meeting of the Bougainville Board as observers and to make representations on any matter which affects their interest—
  - (a) a public utility operating within Bougainville or proposing to operate within Bougainville;
  - (b) a National Government Department;
  - (c) the Provincial Government of an adjoining province;
  - (d) a Local-level Government within Bougainville.
- (3) The Chief Physical Planner may authorize a senior physical planner to attend a Board meeting on his or her behalf if the Chief Physical Planner is unable to attend.

**17. FUNCTIONS OF THE BOARD.**

The Bougainville Board is empowered to consider and determine all physical planning matters in the Autonomous Region of Bougainville.

**18. SUSPENSION OF THE BOARD.**

- (1) If the Minister –
  - (a) has cause to suspect that the Bougainville Board has failed to observe and perform any of the duties and powers conferred or imposed on it by the provisions of this Act; or
  - (b) has cause to suspect that the Bougainville Board has done or performed any act, matter or thing without due authority; or
  - (c) is otherwise of the opinion that an investigation should be made into the affairs of the Bougainville Board,the Minister may appoint the Chief Physical Planner to inquire into such matter.
- (2) If on an enquiry under this section the Minister is satisfied that the Bougainville Board has—
  - (a) failed to observe and perform any of the duties and powers referred to in Subsection (1)(a); or
  - (b) done or performed any act, matter or thing without due authority,the Minister may by directive in writing require the Bougainville Board to remedy the same within such time as the Minister may appoint.
- (3) If –
  - (a) the Bougainville Board fails to comply with the terms of a directive of the Minister made under Subsection (2); or



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(b) after considering a recommendation of the Chief Physical Planner pursuant to an enquiry under Subsection (1), the Minister considers it expedient so to do,

the Minister may by order suspend the exercise by the Bougainville Board of any of the powers conferred on it by this or any other Act for such period as the Minister thinks fit and during such period confer on any person the exercise of any powers so suspended.

(4) An order under Subsection (3) –

(a) must specify the reasons for the suspension and the facts supporting these reasons; and

(b) must be published in the Bougainville Gazette; and

(c) takes effect from the date of its gazettal in the Bougainville Gazette.

**19. APPEAL AGAINST SUSPENSION.**

(1) The Chairperson of the Bougainville Board suspended under Section 18 may, within one calendar month of the date of the publication of the suspension in the Bougainville Gazette, appeal in writing to the Tribunal against the suspension.

(2) The appeal must give reasons why the Bougainville Board should not have been suspended.

(3) The Tribunal must consider the appeal and confirm the suspension or lift the suspension.

**20. RE-INSTATEMENT OF THE BOARD.**

(1) This section applies-

(a) after the suspension of the Bougainville Board under section 18; and

(b) after an appeal, if any, has been determined under Section 19.

(2) Subject to Subsection (3), the Minister may-

(a) revoke the appointments of the members of the Bougainville Board, other than ex officio members; and

(b) make fresh appointments to the Bougainville Board; and

(c) otherwise take such steps as are necessary to rectify the reasons for the suspension

(3) The Minister must lift the suspension-

(a) on being satisfied that the reasons for the suspension of the Bougainville Board have been rectified; or

(b) pursuant to an order of the Tribunal.

**PART 4. – DEVELOPMENT PLANS.**

**21. DEVELOPMENT PLANS.**

A development plan may be prepared for any area in Bougainville, whether or not it is a physical planning area, and may be prepared as –

- (a) the Bougainville development plan; or
- (b) an urban development plan; or
- (c) a local development plan; or
- (d) a subject development plan.

**22. CONTENTS OF DEVELOPMENT PLANS.**

(1) A development plan is a written and illustrated statement of policy and proposals in respect of the development and other use of land in the development plan area and may include–

- (a) measures for the improvement of the physical environment and the management of traffic; and
- (b) the zoning of land.

(2) A development plan must be based on a survey of the area proposed for development, and must include–

- (a) the principal physical, social, cultural and economic characteristics of the area (including the purposes for which land is used) and, in so far as they may be expected to affect the development plan area, of any neighbouring areas; and
- (b) the size, composition and distribution of the population of the development plan area; and
- (c) any considerations not included in Paragraphs (a) and (b) which may be expected to affect any matters included in those Paragraphs; and
- (d) such other matters as may be prescribed.

(3) Subsection (2) does not apply to a subject development plan.

(4) A subject development plan must be based on a survey which includes matters that are relevant to the subject.

**23. URBAN DEVELOPMENT PLAN.**

(1) An urban development plan is a physical plan for the whole area of a town which may include land outside the gazetted boundary of the town which is considered to be within the immediate sphere of influence of the town, and may be prepared within the framework of the Bougainville development plan.



- (2) An urban development plan must—
  - (a) specify land use within the area of the plan; and
  - (b) identify infrastructure and service needs to support physical development; and
  - (c) show the basis on which orderly physical development will proceed.

**24. LOCAL DEVELOPMENT PLAN.**

- (1) A local development plan is a physical plan for a part of a town or a part of Bougainville, whether or not within a physical planning area, and shall consist of a more detailed appraisal than is undertaken in either the Bougainville development plan or, if it is a plan for a part of a town, an urban development plan.
- (2) A local development plan may be prepared within the framework of the Bougainville development plan or, if it is a plan for a part of a town, of an urban development plan.

**25. SUBJECT DEVELOPMENT PLAN.**

A subject development plan is a physical plan prepared where a particular subject requires detailed attention, and may be prepared within the framework provided by—

- (a) the Bougainville development plan; or
- (b) an urban development plan; or
- (c) a local development plan; or
- (d) any combination of such plans.

**26. ORDER FOR PREPARATION OF DEVELOPMENT PLAN.**

- (1) The Minister, after considering the advice of the Bougainville Board and the advice of the Chief Physical Planner, may order—
  - (a) the preparation of a development plan; or
  - (b) the review of a development plan,if the Minister considers it to be in the interest of the Autonomous Region of Bougainville.
- (2) An order under Subsection (1)(a) must specify—
  - (a) the development plan area; and
  - (b) the type of development plan to be prepared; and
  - (c) any matter that must be covered by the development plan.
- (3) An order made under Subsection (1) must be published as soon as possible in the Bougainville Gazette.

**27. PREPARATION OF DEVELOPMENT PLAN.**

- (1) Subject to Subsection (2), the Chief Physical Planner is to be responsible for the preparation of a development plan ordered under Section 26 by the Minister.
- (2) The Minister may order that a person, other than the Chief Physical Planner, is to be responsible for the preparation of a development plan ordered under Section 26.

**28. LAND FOR PUBLIC PURPOSES.**

- (1) A development plan may designate land which may be required for public purposes as prescribed in the *Land Act 1996*.
- (2) A development plan may recommend to the Minister responsible for land matters that a parcel of land be reserved from lease in accordance with Section 49 of the *Land Act 1996*.

**29. SUBMISSION OF DRAFT DEVELOPMENT PLAN FOR APPROVAL IN PRINCIPLE.**

- (1) The person responsible under Section 27 for the preparation of a development plan must, as soon as the draft development plan has been prepared, submit the draft development plan to the Bougainville Board for approval in principle.
- (2) The Bougainville Board must consider the draft development plan submitted under Subsection (1) and may—
  - (a) approve the draft development plan in principle; or
  - (b) return the draft development plan to the person who submitted it specifying its reasons for not approving it.

**30. PUBLICITY FOR DRAFT DEVELOPMENT PLAN APPROVED IN PRINCIPLE.**

If the Bougainville Board has approved a draft development plan in principle, it must—

- (a) send a copy of the draft development plan to—
  - (i) the Minister; and
  - (ii) any Division or Department affected or likely to be affected by the development plan; and
  - (iii) any statutory body affected or likely to be affected by the development plan; and require that any comments on the development plan be submitted to the Bougainville Board within a period of 30 days; and
- (b) for a period of not less than 30 days exhibit a copy of the draft development plan in a public place within the area covered by the development plan; and



- (c) ensure that the plan exhibited under Paragraph (b) is available for inspection by any person; and
- (d) by public advertisement through radio or a newspaper with a wide circulation in Bougainville, invite comments on the draft development plan from any person within a period of 30 days.

**31. PERSON MAY COMMENT ON OR OBJECT TO DRAFT DEVELOPMENT PLAN.**

- (1) A person who desires to comment on or object to a draft development plan must, within the period specified in Section 30(d)–
  - (a) give written notice of his or her comments or objections to the Bougainville Board ; or
  - (b) if the person is unable to give such written notice, notify the Bougainville Board of his or her desire to make comment or objections and the Board must make arrangements to have the comments or objections committed to writing on his or her behalf.
- (2) A person who makes comments or objections on a development plan must state whether he or she makes the comments or objections as the owner or occupier of property or in some other capacity.

**32. FURTHER CONSIDERATION OF DRAFT DEVELOPMENT PLAN.**

After the expiry of the periods of time referred to in Section 30(a) and (b) and (d) the Bougainville Board must–

- (a) if no comments or objections under Sections 30(a) or 31 have been received, request the person responsible for the preparation of the development plan to lodge a final development plan; or
- (b) if comments or objections under Section 30(a) or Section 31 have been received, consider such comments or objections and request the person responsible for the preparation of the development plan to submit a final development plan with such amendments, if any, as are specified by the Board.

**33. APPROVAL OF A DEVELOPMENT PLAN.**

The Bougainville Board must consider the final development plan and must–

- (a) approve it; or
- (b) refuse to approve it, giving reasons for its refusal and directing the person responsible for the preparation of the plan to prepare an alternative development plan within such period as the Bougainville Board may direct; or
- (c) direct that the procedures set out in Sections 30, 31 and 32 be applied to the final development plan on the grounds that the final development plan represents a major change in principle from the draft development plan.

**34. GAZETTAL OF FINAL APPROVAL.**

- (1) The decision of the Bougainville Board approving the development plan must be published in the Bougainville Gazette immediately.
- (2) The date of the publication of the decision of the Bougainville Board in the Bougainville Gazette approving the development plan is the effective date of the coming into operation of that development plan.

**35. BOARD TO TAKE INTO CONSIDERATION THE CONTENT OF A DRAFT DEVELOPMENT PLAN PRIOR TO GAZETTAL OF FINAL APPROVAL.**

If a draft development plan has been submitted to the Bougainville Board for approval, the Board must in making decisions on any matter in the plan or affected by the plan, take into consideration the contents of the plan, even though the approved final development plan has not been gazetted.

**36. REVIEW OF AND CHANGES TO DEVELOPMENT PLANS.**

- (1) Subject to Subsection (3), a development plan—
  - (a) must be reviewed every 10 years in accordance with Section 26(1); and
  - (b) may be reviewed as directed by the Minister at any time more than two years from the date of the publication of the approved development plan under Section 34.
- (2) If, in the process of a review, major changes to the development plan are proposed, the procedure set out in Sections 30, 31, 32, 33 and 34 must be followed.
- (3) The Bougainville Board may make minor changes to a development plan at any time.
- (4) For the purposes of Subsection (3), the variation of zoning on an individual allotment is a minor change.



**PART 5. – CONTROL OF THE DEVELOPMENT AND USE OF LAND.**

**37. DECLARATION OF PHYSICAL PLANNING AREA.**

The Minister, after consideration of –

- (a) the advice of the Bougainville Board; and
- (b) the advice of the Chief Physical Planner,

may, by notice in the Bougainville Gazette declare an area to be a physical planning area.

**38. DECLARATION OF OFFENSIVE TRADES.**

The Minister may, by order published in the Bougainville Gazette, declare a trade, business, process or manufacture to be an offensive trade for the purposes of this Act.

**39. ZONING OF PHYSICAL PLANNING AREAS.**

(1) The Bougainville Board may, by declarations published in the Bougainville Gazette –

- (a) divide a physical planning area or part of a physical planning area into one or more zones; or
- (b) decide that a physical planning area or part of a physical planning area is a single zone; or
- (c) decide that a physical planning area or part of a physical planning area is a redevelopment zone; or
- (d) do any combination of Paragraphs (a), (b) and (c).

(2) A redevelopment zone may be declared on land that is, or is part of, another zone and the declaration does not affect the incidence of the other zoning.

(3) Any request for a change in the zoning of land will be treated as an application for planning permission.

**40. USE AND DEVELOPMENT OF LAND AND BUILDINGS WITHIN A ZONE FOR AUTHORIZED PURPOSES.**

(1) The purposes for which a building or land may be used in a zone (other than a redevelopment zone) are –

- (a) the purposes specified in respect of that zone; and
- (b) any other purpose for which planning permission has been granted in a particular case.

(2) The purposes for which development may take place in a zone, other than a redevelopment zone, are –

- (a) the purposes specified in respect of that zone; and
- (b) any other purpose for which planning permission has been granted in a particular case.

- (3) The purposes for which a building or land may be used in a redevelopment zone are –
  - (a) if the land is also in another zone, a purpose for which a building or land may be used in the other zone; and
  - (b) a purpose for which planning permission has been obtained in a particular case.

**41. DEVELOPMENT IN REDEVELOPMENT ZONES.**

- (1) Subject to Subsection (2), a person who carries out development in a redevelopment zone without planning permission is guilty of an offence and is liable on conviction –
  - (a) in the case of an individual, to a fine not exceeding K5,000.00; and
  - (b) in the case of a body corporate, to a fine not exceeding K10,000.00.
- (2) Subsection (1) does not apply to the completion of building or engineering operations if those operations had commenced before the declaration of the redevelopment zone.
- (3) Subsection (1) does not apply to a change of use of a building or land to a purpose which is permitted under Section 40(3)(a).

**42. USE AND DEVELOPMENT OF LAND AND BUILDINGS IN A ZONE FOR UNAUTHORIZED PURPOSES.**

- (1) Subject to this section, a person who carries out development, or uses a building or land, in a zone for a purpose that is not an authorized purpose in relation to the building or land is guilty of an offence and is liable on conviction –
  - (a) in the case of an individual, to a fine not exceeding K5,000.00; and
  - (b) in the case of a body corporate, to a fine not exceeding K10,000.00.
- (2) If–
  - (a) a building or land was, at any time, for a period of not less than 60 days within the period of six months before the date of the Bougainville Board's decision to publish the relevant notice of zoning under Section 39, used for a purpose that is not an authorized purpose in relation to the building or land; or
  - (b) a building in a zone was, at the date of the Bougainville Board's decision to publish the relevant notice of zoning under Section 39, under construction and intended to be used for a purpose that is not an authorized purpose in relation to the building,the building or land may, subject to Subsection (3), continue to be so used, or may be so used, as the case may be, after the date of publication of the relevant notice or instrument in the Bougainville Gazette.



- (3) Subsection (2) ceases to apply to and in relation to a building or land—
  - (a) on the discontinuance for a period of six months of its use for the purpose referred to in that subsection; or
  - (b) in the case of a building, on its destruction.

**43. PLANNING PERMISSION REQUIRED PRIOR TO SUBDIVISION OR CONSOLIDATION.**

- (1) If a person intends to apply for—
  - (a) a subdivision of land under Section 130 of the *Land Act* 1996; or
  - (b) a consolidation of leases under Section 131 of the *Land Act* 1996,and where any part of the land concerned is within a physical planning area, the person must first obtain planning permission to carry out that subdivision or consolidation.
- (2) If an application is made to the Minister responsible for land matters—
  - (a) for a subdivision of land under Section 130 of the *Land Act* 1996; or
  - (b) for a consolidation of leases under Section 131 of the *Land Act* 1996,and that application is accompanied by planning permission, the Minister responsible for land matters must not refuse the application for any physical planning reason.

**44. APPLICATION FOR PLANNING PERMISSION.**

- (1) An application for planning permission must be made to the Bougainville Board.
- (2) Subject to Subsection (3), an application for planning permission must be for—
  - (a) outline planning permission reserving specified matters for subsequent approval; or
  - (b) full planning permission; or
  - (c) approval of reserved matters following outline planning permission.
- (3) An application for planning permission for a rezoning or to allow the use of a building or land for a particular purpose must be an application for full planning permission, unless it forms part of an application for building, engineering, mining or other operations.
- (4) An application under Subsection (2) must—
  - (a) be in writing; and
  - (b) include particulars and be accompanied by documents as are prescribed; and
  - (c) be accompanied by the prescribed fee; and
  - (d) be made by—

- (i) the owner of the land the subject of the application; or
  - (ii) the agent of that owner; or
  - (iii) a person who has complied with Subsection (5).
- (5) If an applicant is not the sole owner of land or an agent appointed by the sole owner, the applicant must—
  - (a) notify all of the owners that the application is being made; or
  - (b) if it is not possible for good reason to notify an owner, publish in a newspaper circulating in the area in which the land is situated, a notice giving details of the application.
- (6) If Subsection (5) applies, the applicant must, at the request of any owner of the land, supply to that owner, free of charge, a copy of the application.

**45. PROCEDURE OF BOARD FOLLOWING APPLICATION.**

- (1) The Bougainville Board must, after receiving an application for planning permission under Section 44—
  - (a) consider the application as soon as possible; and
  - (b) make its decision on the application within the prescribed time from the receipt of the application by the Bougainville Board.
- (2) If the Bougainville Board requires additional information from the applicant concerning the application, it must advise the applicant of its requirement within 14 days or such other time as may be prescribed.
- (3) The decision on the application must be made within the prescribed time and that time commences from the date on which the additional information is received by the Bougainville Board.

**46. DECISION OF BOARD.**

- (1) The Bougainville Board may, after consideration of an application for planning permission under Section 45—
  - (a) grant planning permission, with or without conditions; or
  - (b) refuse planning permission.
- (2) Conditions referred to in Subsection (1)(a) may be for any physical planning purpose including, all or any of the following—
  - (a) conditions regulating the development or use of any land under the control of the applicant (whether or not it is the land in respect of which the application was made) or requiring the carrying out of works on such land, so far as appears to the Board to be expedient for the purposes of or in connection with the development authorized by the planning permission;



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- (b) requiring the removal of any building or works authorized by the planning permission, or the discontinuance of the use of land so authorized, at the end of a specified period, and the carrying out of any works required for the re-instatement of land at the end of that period;
- (c) requiring the retention of any tree.

**47. BOARD TO GIVE NOTIFICATION OF DECISION TO APPLICANT.**

- (1) The Bougainville Board must advise an applicant, in writing, of its decision in respect of the application within 14 days or such other time as may be prescribed,
- (2) If the Board—
  - (a) imposes conditions on planning permission; or
  - (b) refuses planning permission,the Board must include its reasons in its advise to the applicant.

**48. AGREEMENTS RELATING TO PROVISION OR IMPROVEMENT OF AMENITIES, UTILITIES OR SERVICES OR IN LIEU OF SUCH PROVISION OR IMPROVEMENT.**

- (1) This section applies if the Bougainville Board is satisfied that a development or rezoning or purpose which is the subject of an application for planning permission, will, or is likely to, require the provision of, or increase the demand for, public or private amenities, utilities and services.
- (2) Before approving any planning permission, the Bougainville Board may enter into an agreement to provide or improve public or private amenities, utilities or services with all or any of the following –
  - (a) the developer of the land;
  - (b) the owner of the land;
  - (c) the occupier of the land.
- (3) An agreement may provide for all or any of the following –
  - (a) the dedication or the surrender of land free of cost;
  - (b) the payment of a monetary contribution;
  - (c) the undertaking of construction works both on or off site.
- (4) If a monetary contribution is required, an agreement must set out specifically to what purpose the money is to be used.
- (5) An agreement may provide for the applicant to pay a monetary contribution to such authority as is considered appropriate for the purposes for which payment was required and the authority must –
  - (a) hold the money in a trust account set up specifically for the purpose; and

- (b) only use the money for the purposes specified in the agreement.
- (6) If land is dedicated or surrendered free of cost, an agreement must state for what purpose the land is to be used.
- (7) Land dedicated or surrendered in accordance with an agreement under this section may be subject to a lease granted to an appropriate organisation or authority pursuant to the Land Act 1996 for the purposes of providing public or private amenities, utilities or services.
- (8) For the purposes of this section, "authority" means an Urban Council or a Council of Elders established under the Bougainville Council of Elders Act 1996.

**49. PRESERVATION OF TREES.**

- (1) If it appears to the Bougainville Board that it is in the interests of amenity to make provision for the preservation of any trees in a physical planning area, it may for that purpose make an order with respect to any such tree or group of trees as may be specified in the order.
- (2) Provision may be made in any such order—
  - (a) for prohibiting the cutting down, topping, lopping or willful destruction of trees except with the consent of the Bougainville Board; and
  - (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any tree or group of trees that is felled in the course of any development permitted by the Bougainville Board.
- (3) The Bougainville Board must notify all the owners and occupiers of land affected by an order, and if all or any of the owners or occupiers of the land are unknown to the Board, then publication of a notice in a newspaper circulating in the area constitutes notification.
- (4) This section must not apply in respect of an area for which a permit has been granted under Section 10 of the *Forestry Act* 1991.

**50. CONTROL OF SIGN BOARDS AND ADVERTISEMENTS.**

- (1) The Regulations may make provision for restricting or regulating the display of sign boards and advertisements in the interests of amenity, traffic safety or traffic control and without restricting the generality of the foregoing, may provide for all or any of the following –
  - (a) for regulating the dimensions, appearance and position of any sign boards or advertisements that may be displayed, and the manner in which they may be erected;



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- (b) for requiring planning permission from the Bougainville Board for the display of sign boards or advertisements;
  - (c) for enabling the Bougainville Board to require the removal of any sign board or advertisement that is being displayed in contravention of this Act.
- (2) No sign board or advertisement is to be displayed within a zone designated for public utilities unless –
  - (a) it is for the purposes of directing traffic, for street or road names, or in connection with the operation of public utilities on the land concerned; or
  - (b) the sign board or advertisement has been approved for display by the Bougainville Board and, in the case of alienated land which is not the subject of a lease, the developer has obtained a license to display the sign board or advertisement under the *Land Act* 1996.
- (3) A sign board or advertisement which is displayed in contravention of Subsection (2) may be removed in accordance with Subsection (1)(c).

**51. DISPLAY OF DEVELOPMENT PROPOSALS ON SITE.**

- (1) The Bougainville Board may direct an applicant to place a notice, briefly describing the development proposed, on the site to which the application relates, prior to its consideration by the Bougainville Board.
- (2) It is the responsibility of the applicant to erect the sign in a prominent position and to maintain it for a period of not less than 7 days or such other time as may be prescribed.

**52. LAPSE OF PLANNING PERMISSION.**

- (1) Unless otherwise stated in the conditions attached to the approval, a planning permission expires after five years if within that time the development has not commenced.
- (2) If planning permission has lapsed, a new application is required to obtain planning permission.
- (3) An approval or consent given under the *Physical Planning Act* 1989 expires five years after the commencement date of this Act unless–
  - (a) in the case of a purpose approved in a zone other than a redevelopment zone or special uses zone, the purpose approved has commenced; or
  - (b) in the case of a purpose approved in a redevelopment zone, the purpose approved has commenced; or
  - (c) in the case of a special consent in a special purposes zone, the erection of the building or the use of the building or land has commenced; or

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- (d) in the case of a consent for the erection, rebuilding, altering or adding to a building in a redevelopment zone, work has commenced on construction;  
or
  - (e) the approval or consent has been renewed in accordance with Subsection (5).
- (4) Prior to the expiry date of a planning permission, or of any approval or consent given under the *Physical Planning Act* 1989, a developer may request renewal of the permission by a letter which clearly identifies the original permission, approval or consent and such a request is to be treated as an application for planning permission, except that the provisions of Section 44 (4) (b) do not apply.
- (5) This section does not apply in respect of a zoning or rezoning of land under Section 39.

**53. REVOCATION OR MODIFICATION OF PLANNING PERMISSION BY AGREEMENT.**

- (1) If it appears to the Bougainville Board that a planning permission previously granted by the Board needs to be revoked or modified in the public interest, the Board may revoke or modify the planning permission granted by agreement with the owner of the land affected.
- (2) If any planning permission is revoked or modified by agreement, such agreement may provide for compensation to an owner, occupier or developer of the land and such compensation may take the form of—
  - (a) a planning permission; or
  - (b) a monetary consideration; or
  - (c) such other consideration as may be agreed between the parties concerned;  
or
  - (d) any combination of Paragraphs (a), (b) and (c).



**PART 6. – APPEALS.**

**54. BOUGAINVILLE PHYSICAL PLANNING APPEALS TRIBUNAL.**

- (1) A Bougainville Physical Planning Appeals Tribunal is established for the purpose of hearing appeals under this Act.
- (2) The Tribunal consists of five members as follows—
  - (a) a lawyer as defined in the Lawyers Act 1986;
  - (b) either a registered engineer or a registered architect or a registered surveyor or a registered valuer or a professional town planner, who holds appropriate qualifications in his or her field and has extensive experience in the practice of physical planning;
  - (c) a member nominated by the Bougainville Executive Council; and
  - (d) a member nominated by the Minister, following consultation with the private sector, to represent the Sector;
  - (e) a member nominated by the Minister to represent women in Bougainville.
- (3) The members of the Tribunal are –
  - (a) to be appointed by the Bougainville Executive Council, by notice in the Bougainville Gazette;
  - (b) to be appointed for a period not exceeding three years;
  - (c) to be appointed on such terms and conditions as the Bougainville Executive Council determines;
  - (d) are eligible for reappointment.

**55. CHAIRPERSON.**

The Chairperson of the Tribunal must rotate among the members from meeting to meeting.

**56. RESIGNATION.**

A member of the Tribunal may resign his or her office by written notice to the Minister.

**57. VACATION OF OFFICE.**

- (1) If a member of the Tribunal –
  - (a) becomes permanently incapable of performing his or her duties; or
  - (b) resigns his or her office under Section 56; or
  - (c) is absent from three consecutive meetings of the Tribunal; or
  - (d) fails to comply with Section 58(6); or
  - (e) becomes bankrupt, or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his remuneration for their benefit; or

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(f) is convicted of an offence punishable for a term of imprisonment for one year or longer,  
the Bougainville Executive Council must terminate the member's appointment.

- (2) The Bougainville Executive Council may at any time by written notice advise a member that it intends to terminate the members appointment on the grounds of inefficiency, incapacity or misbehaviour.
- (3) Within 14 days of the receipt of a notice under Subsection (2), the member may reply in writing to the Bougainville Executive Council who must consider the reply, and, if appropriate, may terminate the appointment.
- (4) If the member referred to in Subsection (2) does not reply in accordance with Subsection (3), his or her appointment is by force of this subsection terminated.

**58. CONDUCT OF TRIBUNAL.**

- (1) The Tribunal must meet not less than four times in each year but must not meet if there are no appeals to be heard.
- (2) The quorum for a meeting of the Tribunal is three members.
- (3) Decisions of the Tribunal are to be made by a simple majority of votes.
- (4) At a meeting of the Tribunal, the person presiding at the meeting has a deliberative vote and, in the event of an equality of votes, also has a casting vote.
- (5) The procedure at a meeting of the Tribunal is as prescribed and until it is prescribed is as determined by the Tribunal.
- (6) A member of the Tribunal who has a direct or indirect pecuniary interest in a matter to be discussed and considered at a meeting of the Tribunal, must declare such interest and must not take any part in the proceedings of the meeting concerned as a member of the Tribunal.

**59. VACANCY DOES NOT INVALIDATE EXERCISE OF POWER, ETC.**

The exercise or performance of a power or function of the Tribunal is not invalidated by reason of a vacancy in the membership of the Tribunal.

**60. APPEALS AGAINST BOARD'S DECISION.**

- (1) An applicant, or an owner or an occupier of land who is aggrieved by a decision of the Bougainville Board, may appeal to the Tribunal within the prescribed time



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from the date of the decision or, in the case of a zoning, the date of the gazettal of the decision, whichever is the later.

- (2) An appeal under Subsection (1) may only be against—
  - (a) a decision on a planning permission; or
  - (b) a condition imposed on the approval of a planning permission; or
  - (c) an order for the preservation of trees; or
  - (d) a requirement by the Bougainville Board to supply additional information under Section 45(2); or
  - (e) non determination within the prescribed time under Section 45(1); or
  - (f) a stop work notice under Section 63(1); or
  - (g) a demolition notice under Section 63(2); or
  - (h) the declaration of a zone under Section 39, except as provided under Subsection (4).
- (3) However, in the case of Paragraphs (f) and (g), the appeal may only be made on the grounds that the operations are authorized under the Act.
- (4) An appeal may not be against the approval of a development plan or against the declaration of a zone by gazettal of final approval of a development plan.

**61. CONSIDERATION OF REPRESENTATIONS BY THE TRIBUNAL.**

- (1) The Tribunal must afford the appellant, an applicant for planning permission, an owner or occupier of the land to which the appeal relates, an objector and the Bougainville Board an opportunity to make representations concerning the appeal if they so wish.
- (2) Any representation may be made in writing or may be made at a hearing.
- (3) If representations are made at a hearing, a party may be represented by an agent and may call such evidence and produce such documents as are relevant and material in support of those representations.
- (4) In the absence of any or all of the interested parties or their representatives at a hearing, the Tribunal may proceed to determine the appeal on the basis of such representations as are before it but in such a situation the Tribunal must satisfy itself that there is sufficient information to make a considered decision.

**PART 7. – ENFORCEMENT.**

**62. UNAUTHORIZED DEVELOPMENT.**

A person who, otherwise than as authorized by or under this Act, uses or permits any land or building to be used; or allows development to be carried out, is guilty of an offence and is liable on conviction –

- (a) in the case of an individual, to a fine not exceeding K5,000.00; and
- (b) in the case of a body corporate, to a fine not exceeding K10,000.00.

**63. STOP WORK AND DEMOLITION NOTICES.**

(1) The owner, occupier or developer of any land on which building, engineering, mining or other operations are being carried out in contravention of this Act, may be issued with a stop work notice, by or on behalf of the Bougainville Board, requiring the operations to stop.

(2) If unauthorized building or engineering operations have been carried out, the Bougainville Board may serve a demolition notice requiring the unauthorized work to be removed and the land restored to its state prior to the commencement of the operations.

(3) The demolition notice may be served on all or any of the following –

- (a) the owner;
- (b) the occupier;
- (c) the developer;
- (d) the builder.

(4) A demolition notice must be issued within 12 months after the date when the operations were first brought to the notice of the Bougainville Board.

(5) A person who, without reasonable excuse (proof of which is on him or her), fails to comply with the requirements of a stop work notice or a demolition notice is guilty of an offence and is liable on conviction –

- (a) in the case of an individual to a fine not exceeding K5,000.00; and
- (b) in the case of a body corporate a fine not exceeding K10,000.00.

**64. PENALTY MAY INCLUDE ORDER TO PLANT TREES.**

If a person is guilty of an offence involving the destruction of or damage to, a tree or trees, the court dealing with the offence may, in addition to or in substitution for any pecuniary penalty imposed, direct that person to plant new trees and maintain these to a mature growth.



**PART 8. – MISCELLANEOUS.**

**65. PROTECTION OF MEMBERS OF THE BOARD.**

No action is maintainable against a member of the Bougainville Board for anything which is done or any omission made by the member in good faith while acting as a member.

**66. POWER OF ENTRY.**

A person authorized in writing by the Minister or the Chairperson or Acting Chairperson of the Bougainville Board or the Chief Physical Planner has the right to enter upon any land or premises at all reasonable times, for the purposes of inspections or in connection with—

- (a) the preparation, approval, making or amendment of a development plan; or
- (b) an application that is being considered by the Bougainville Board; or
- (c) any development that is taking place with or without planning permission; or
- (d) for any other reason that may be necessary to carry out any duty or function under this Act.

**67. OBSTRUCTION.**

A person who, in any way, directly or indirectly, hinders or obstructs a person in the proper exercise of his powers or in the performance of his duties, under this Act, is guilty of an offence and is liable on conviction –

- (a) in the case of an individual to a fine not exceeding K5,000.00; and
- (b) in the case of a body corporate to a fine not exceeding K10,000.00.

**68. REGULATIONS.**

The Bougainville Executive Council may make regulations not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for the purpose of carrying out or giving effect to this Act, including, but not limited to, regulations for prescribing all or any of the following –

- (a) the appointment of persons to administer this Act and the definition of their powers and duties;
- (b) the forms to be used for the purposes of this Act, the manner in which they must or may be signed, prepared or completed, and generally regulating the signing, preparation and completion of those forms;
- (c) the issue of permits or certificates and the granting of approval by the Bougainville Board for any matter or thing under this Act;
- (d) the form of, and the particulars to be contained in, notices to be served under this Act;
- (e) the fees to be charged for any matter or thing or service provided under this Act;

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- (f) the classification of land and buildings for all types of use including a schedule of the land use zones to be used in zoning;
- (g) site requirements, subdivision standards and design standards;
- (h) road and street standards, alignments and widths;
- (i) requirements for off-street parking to apply to developments of any kind;
- (j) provisions relating to the consolidation and subdivision of land;
- (k) the matters to be included in development plans and the procedures to be followed in obtaining approval to such plans;
- (l) the format of development plans;
- (m) the control of access from a road to land;
- (n) the manner in which the administration of any matter under the Act is to be carried out;
- (o) the particulars to be provided with any application for planning permission;
- (p) the particulars to be provided with an appeal;
- (q) the conduct of the Bougainville Board or the Tribunal;
- (r) penalties of fines not exceeding K2,000 and default penalties of fines not exceeding K500 for offences against any regulation.



**PART 9. – TRANSITIONAL PROVISIONS.**

**69. PHYSICAL PLANNING ACT 1989 CEASES TO APPLY.**

The *Physical Planning Act* 1989 ceases to apply in the Autonomous Region of Bougainville on the date of the commencement of this Act.

**70. ACTIONS, ETC., NOT TO ABATE.**

If, immediately before the date of commencement of this Act, any action, arbitration or proceedings relating to the Autonomous Region of Bougainville, was pending or in existence under the *Physical Planning Act* 1989, it does not abate and is not affected by the commencement of this Act.

**71. DESIGNATION OF TOWNS AS PHYSICAL PLANNING AREAS.**

An area in the Autonomous Region of Bougainville declared under Section 2 of the *Physical Planning Act* 1989 to be a town for the purposes of that Act is declared a physical planning area under this Act.

**72. ZONING.**

- (1) A zone in the Autonomous Region of Bougainville, other than a redevelopment zone, declared under the *Physical Planning Act* 1989 remains in effect as if it were a zone declared under this Act until it receives designation of zoning as prescribed in any regulations.
- (2) A redevelopment zone designated under Section 6 of the *Physical Planning Act* 1989 is declared to be a redevelopment zone under this Act.
- (3) An existing road or drainage or utility reserve is to receive designation of zoning under this Act as prescribed in any regulations.

**73. REFERENCES IN OTHER ACTS.**

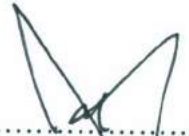
A reference –

- (a) in any other Act passed by the House of Representatives in Bougainville to the *Physical Planning Act* 1989 is to be construed as a reference to this Act and any reference to town planning is to be construed as a reference to physical planning; and
- (b) in any Act of the National Parliament to the Provincial Board of the North Solomons' Province is to be construed as a reference to the Bougainville Physical Planning Board established under this Act.

*Bougainville Physical Planning Act 2013.*

**Certifications.**

I certify that the foregoing is a fair copy of the *Bougainville Physical Planning Act 2013* which has been made by the House of Representatives.



**ROBERT TAPI,**

Clerk of the House of Representatives.

I, **Andrew Miriki**, Speaker of the House of Representatives, hereby certify that the *Bougainville Physical Planning Act 2013* was made by the House of Representatives on 5<sup>th</sup> June 2013.



**ANDREW MIRIKI,**

Speaker of the House of Representatives.