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PORT MORESBY, TUESDAY, 3rd JULY

[2001

Land Act 1996

CERTIFICATE OF NON-APPLICATION UNDER SECTION 13

I, Charlie Benjamin, MP., the Minister for Lands and Physical Planning, by virtue of the powers conferred by Section 13(6) of the *Land Act 1996*, and all other powers me enabling, hereby certify that the following reasons are special reasons why Section 13 of the *Land Act* relating to the acquisition of the land described in the Schedule by Compulsory process should not apply to the land:—

- (a) A significant percentage of the 29.92 hectares described in the following "Schedule" is the subject of an as yet unresolved disputation over the ownership thereof dating back to 1970 and the subject of on-going legal action which precludes the accurate determination of land ownership, and thereby precludes the serving of the prescribed "Notice to Treat" and an expeditious resolution of the purchase.
- (b) The acquisition is for the public purposes of public access to and free right of way on the road pursuant to Section 12(1)(c) of the Act to link Port Moresby to Napa Napa Project site. The development and operation of the project depends on the existence of the road and the Developer's free right way on the road;
- (c) The Project Development Agreement has been signed and is a Multi-Million Kina project and will contribute significantly to the National Economy, the Provincial Government and the living standard of the local people in terms of employment and spin-off activities;
- (d) It is consistent with and complimentary to the Additional Rights of entry and authority granted to the operator of the Petroleum Processing Facility Licence No. 1 by the Minister for Petroleum and Energy pursuant to Section 116 of the *Oil and Gas Act 1998* and which was dated and issued on 2nd October, 2000.

SCHEDULE

All that piece of customary land containing an area of 29.92 hectares or thereabouts being the whole of the land between Portion 578 and Portion 1499, Hamil of Moresby S.W., Milinch of Granville, Fourmil of Moresby adjacent to the western side of Port Moresby and Fairfax Harbours and closely following the existing gravel road formation of the Port Moresby to Napa Napa road between Porebada turn off and Napa Napa commencing at corner 33a on registered survey plan catalogue number 49/548, in the Department of Lands and Physical Planning, Port Moresby, bounded thence generally in a southerly southeasterly, easterly northeasterly and again southeasterly direction successively by straight lines bearing 169 degrees 15 minutes 40 seconds distance 103.47 metres bearing 176 degrees 40 minutes distance 39.95 metres bearing 187 degrees 04 minutes distance 39.95 metres bearing 197 degrees 06 minutes distance 34.95 metres bearing 202 degrees 41 minutes distance 213.90 metres bearing 198 degrees 37 minutes distance 25.52 metres bearing 190 degrees 29 minutes distance 25.52 metres bearing 182 degrees 22 minutes distance 25.52 metres bearing 178 degrees 12 minutes distance 604.87 metres bearing 173 degrees 15 minutes distance 97.16 metres bearing 168 degrees 11 minutes distance 97.16 metres bearing 163 degrees 08 minutes distance 97.16 metres bearing 158 degrees 14 minutes 40 seconds distance 158.37 metres bearing 152 degrees 56 minutes distance 156.35 metres bearing 146 degrees 58 minutes 20 seconds distance 117.29 metres bearing 141 degrees 14 minutes distance 601.76 metres bearing 137 degrees 43 minutes 40 seconds distance 246.87 metres bearing 132 degrees 28 minutes 20 seconds distance 148.17 metres bearing 130 degrees 30 minutes distance 176.78 metres bearing 128 degrees 59 minutes 40 seconds distance 230.55 metres bearing 124 degrees 15 minutes 20 seconds distance 108.42 metres bearing 106 degrees

Certificate of Non-Application Under Section 13—*continued*Schedule — *continued*

45 minutes distance 38.44 metres bearing 113 degrees 56 minutes 20 seconds distance 164.24 metres bearing 105 degrees 55 minutes distance 42.39 metres bearing 95 degrees 35 minutes distance 90.44 metres bearing 108 degrees 12 minutes 40 seconds distance 103.72 metres bearing 129 degrees 3 minutes distance 60.08 metres bearing 144 degrees 44 minutes distance 56.79 metres, bearing 153 degrees 23 minutes distance 50.16 metres, bearing 142 degrees 13 minutes distance 42.05 metres, bearing 123 degrees 4 minutes distance 42.30 metres, bearing 107 degrees 12 minutes 40 seconds distance 196.78 metres, bearing 99 degrees 52 minutes distance 28.35 metres, bearing 86 degrees 25 minutes distance 28.35 metres, bearing 67 degrees 50 minutes 40 seconds distance 117.99 metres, bearing 62 degrees 54 minutes distance 75.96 metres, bearing 70 degrees 5 minutes distance 39.20 metres, bearing 83 degrees 18 minutes 40 seconds distance 106.43 metres, bearing 88 degrees 33 minutes distance 55.94 metres, bearing 119 degrees 57 minutes distance 47.02 metres, bearing 104 degrees 14 minutes distance 75.57 metres, bearing 92 degrees 36 minutes distance 75.57 metres, bearing 80 degrees 59 minutes distance 75.57 metres, bearing 69 degrees 22 minutes distance 64.33 metres, bearing 59 degrees 3 minutes distance 47.06 metres, bearing 51 degrees 21 minutes distance 47.00 metres, bearing 43 degrees 4 minutes distance 35.01 metres, bearing 40 degrees 52 minutes 20 seconds distance 261.00 metres bearing 29 degrees 36 minutes 40 seconds distance 147.74 metres, bearing 38 degrees 37 minutes distance 56.11 metres, bearing 54 degrees 54 minutes distance 56.93 metres, bearing 67 degrees 1 minute distance 47.68 metres, bearing 59 degrees 28 minutes distance 38.24 metres, bearing 30 degrees 44 minutes distance 190.65 metres, bearing 44 degrees 35 minutes 40 seconds distance 69.43 metres, bearing 67.37 distance 57.52 metres, bearing 86 degrees 56 minutes distance 55.80 metres, bearing 92 degrees 30 minutes 40 seconds distance 154.26 metres, bearing 120 degrees 44 minutes distance 58.78 metres, bearing 125 degrees 17 minutes distance 57.25 metres, bearing 147 degrees 38 minutes distance 59.12 metres, bearing 163 degrees 47 minutes distance 51.32 metres, bearing 169 degrees 28 minutes distance 53.47 metres, bearing 146 degrees 14 minutes 40 seconds distance 507.92 metres to its intersection with the north western boundary of Portion 1499 in the said Hamlet of Moresby South West, Milinch of Granville, Fourmil of Moresby at Ubuna Bay, Napa Napa, thence by part of the said north western boundary of the said Portion 1499 being a straight line bearing 207 degrees 26 minutes distance 45.65 metres, thence in a northwesterly, southwesterly again northwesterly and northerly direction successively by straight lines bearing 326 degrees 14 minutes 40 seconds distance 529.92 metres, bearing 340 degrees 18 minutes distance 53.68 metres, bearing 339 degrees 31 minutes distance 59.55 metres, bearing 310 degrees 27 minutes distance 121.26 metres, bearing 277 degrees 24 minutes 40 seconds distance 147.93 metres, bearing 243 degrees 30 minutes 40 seconds distance 129.17 metres, bearing 209 degrees 45 minutes 20 seconds distance 140.72 metres bearing 224 degrees 43 minutes 40 seconds distance 109.18 metres, bearing 249 degrees 51 minutes distance 52.22 metres, bearing 238 degrees 35 minutes distance 43.21 metres, bearing 212 degrees 37 minutes distance 42.83 metres, bearing 204 degrees 42 minutes distance 51.18 metres, bearing 214 degrees 20 minutes 40 seconds distance 105.60 metres, bearing 220 degrees 52 minutes 20 seconds distance 261.76 metres, bearing 223 degrees 4 minutes distance 38.67 metres, bearing 231 degrees 21 minutes distance 52.59 metres, bearing 239 degrees 3 minutes distance 53.36 metres, bearing 249 degrees 22 minutes distance 72.01 metres, bearing 260 degrees 59 minutes distance 83.71 metres, bearing 272 degrees 36 minutes distance 79.88 metres, bearing 277 degrees 30 minutes distance 79.73 metres, bearing 281 degrees 11 minutes 40 seconds distance 139.61 metres, bearing 249 degrees 42 minutes 40 seconds distance 156.67 metres, bearing 247 degrees 50 minutes 40 seconds distance 124.53 metres, bearing 266 degrees 25 minutes distance 39.61 metres, bearing 279 degrees 52 minutes distance 35.64 metres, bearing 287 degrees 12 minutes 40 seconds distance 203.41 metres, bearing 298 degrees 59 minutes distance 56.20 metres, bearing 319 degrees 39 minutes distance 57.49 metres, bearing 336 degrees 44 minutes distance 49.93 metres, bearing 324 degrees 50 minutes distance 42.16 metres bearing 304 degrees 29 minutes distance 31.22 metres, bearing 285 degrees 24 minutes 40 seconds distance 109.46 metres, bearing 287 degrees 57 minutes distance 72.72 metres, bearing 285 degrees 55 minutes distance 56.16 metres, bearing 290 degrees 43 minutes 20 seconds distance 174.75 metres, bearing 296 degrees 44 minutes distance 102.68 metres, bearing 309 degrees 50 minutes 20 seconds distance 126.03 metres, bearing 310 degrees 30 minutes distance 337.47 metres, bearing 312 degrees 28 minutes 20 seconds distance 150.70 metres, bearing 317 degrees 43 minutes 40 seconds distance 249.93 metres, bearing 321 degrees 14 minutes distance 604.99 metres, bearing 326 degrees 58 minutes 20 seconds distance 121.38 metres, bearing 332 degrees 56 minutes distance 160.29 metres, bearing 338 degrees 14 minutes 40 seconds distance 161.93 metres, bearing 343 degrees 8 minutes distance 100.64 metres, bearing 348 degrees 11 minutes distance 98.93 metres, bearing 349 degrees 8 minutes distance 55.73 metres, bearing 353 degrees 20 minutes distance 51.21 metres, bearing 33 minutes distance 101.06 metres, bearing 358 degrees 12 minutes distance 503.04 metres, bearing 2 degrees 22 minutes distance 29.81 metres, bearing 10 degrees 29 minutes distance 31.20 metres, bearing 18 degrees 37 minutes distance 29.78 metres, bearing 22 degrees 41 minutes distance 213.37 metres, bearing 17 degrees 6 minutes distance 29.49 metres, bearing 7 degrees 4 minutes distance 32.79 metres, bearing 356 degrees 40 minutes distance 33.20 metres, bearing 344 degrees 41 minutes distance 40.32 metres, bearing 334 degrees 35 minutes distance 22.67 metres to its intersection with boundary line numbered 32-33 of said Portion 578 on said registered survey plan 49/548 thence by part of the said boundary line bearing 39 degrees 24 minutes distance 30.82 metres to corner 33 of said Portion 578 on said registered survey plan 49/548 and finally by a straight line bearing 41 degrees 42 minutes distance 32.02 metres to the point of commencement be the said several bearings and distances all a little more or less and all bearings in terms of Grid North, Zone 55 Australian Geodetic Datum 1966 as delineated on miscellaneous plans catalogue numbers M/49/2138, M/49/2139 and M/49/2140 in the said Department of Lands and Physical Planning, Department of Lands and Physical Planning File No: 00/17.

Dated this 3rd day of July, 2001.

C. BENJAMIN, MP,
Minister for Lands and Physical Planning.

*Land Act 1996***ACQUISITION OF LAND BY COMPULSORY PROCESS**

I, Charlie Benjamin, MP., Minister for Lands and Physical Planning, by virtue of the powers conferred by Section 12(1)(b) of the *Land Act 1996*, enabling hereby declare that the land referred to in the Schedule is acquired by compulsory process for a Public Purpose namely the purpose of a road.

-SCHEDULE

All that piece of customary land containing an area of 29.92 hectares or thereabouts being the whole of the land between Portion 578 and Portion 1499, Hamil of Moresby S.W., Milinch of Granville, Fourmil of Moresby adjacent to the western side of Port Moresby and Fairfax Harbours and closely following the existing gravel road formation of the Port Moresby to Napa Napa road between Porebada turn off and Napa Napa commencing at corner 33a on registered survey plan catalogue number 49/548 in the Department of Lands and Physical Planning Port Moresby bounded thence generally in a southerly south-easterly easterly north-easterly and again south-easterly direction successively by straight lines bearing 169 degrees 15 minutes 40 seconds distance 103.47 metres bearing 176 degrees 40 minutes distance 39.95 metres bearing 187 degrees 4 minutes distance 39.95 metres bearing 197 degrees 6 minutes distance 34.95 metres bearing 202 degrees 41 minutes distance 213.90 metres bearing 198 degrees 37 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75.57 metres bearing 92 degrees 36 minutes distance 75.57 metres bearing 80 degrees 59 minutes distance 75.57 metres bearing 69 degrees 22 minutes distance 64.33 metres bearing 59 degrees 3 minutes distance 47.06 metres bearing 51 degrees 21 minutes distance 47.00 metres bearing 43 degrees 04 minutes distance 35.01 metres bearing 40 degrees 52 minutes 20 seconds distance 261 metres bearing 29 degrees 36 minutes 40 seconds distance 147.74 metres bearing 38 degrees 37 minutes distance 56.11 metres bearing 54 degrees 54 minutes distance 56.93 metre bearing 67 degrees 01 minute distance 47.68 metres bearing 59 degrees 28 minutes distance 38.24 metres bearing 30 degrees 44 minutes distance 190.65 metres bearing 44 degrees 35 minutes 40 seconds distance 69.43 metres bearing 67 degrees 37 minutes distance 57.52 metres bearing 86 degrees 56 minutes distance 55.80 metres bearing 92 degrees 30 minutes 40 seconds distance 154.26 metres bearing 120 degrees 44 minutes distance 58.78 metres bearing 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Acquisition of Land by Compulsory Process—continued**Schedule — continued**

degrees 43 minutes 20 seconds distance 174.75 metre bearing 296 degrees 44 minutes distance 102.68 metres bearing 309 degrees 50 minutes 20 seconds distance 126.03 metres bearing 310 degrees 30 minutes distance 337.47 metres bearing 312 degrees 28 minutes 20 seconds distance 150.70 metres bearing 317 degrees 43 minutes 40 seconds distance 249.93 metres bearing 321 degrees 14 minutes distance 604.99 metres bearing 326 degrees 58 minutes 20 seconds distance 121.38 metres bearing 332 degrees 56 minutes distance 160.29 metres bearing 338 degrees 14 minutes 40 seconds distance 161.93 metres bearing 343 degrees 08 minutes distance 100.64 metres bearing 348 degrees 11 minutes distance 98.93 metres bearing 349 degrees 08 minutes distance 55.73 metres bearing 353 degrees 20 minutes distance 51.21 metres bearing 33 minutes distance 101.06 metres bearing 358 degrees 12 minutes distance 503.04 metres bearing 2 degrees 22 minutes distance 29.81 metres bearing 10 degrees 29 minutes distance 31.20 metres bearing 18 degrees 37 minutes distance 29.78 metres bearing 22 degrees 41 minutes distance 213.37 metres bearing 17 degrees 06 minutes distance 29.49 metres bearing 7 degrees 04 minutes distance 32.79 metres bearing 356 degrees 40 minutes distance 33.20 metres bearing 344 degrees 41 minutes distance 40.32 metres bearing 334 degrees 35 minutes distance 22.67 metres to its intersection with boundary line numbered 32-33 of said Portion 578 on said registered survey plan 49/548 thence by part of the said boundary line bearing 39 degrees 24 minutes distance 30.82 metres to corner 33 of said Portion 578 on said registered survey plan 49/548 and finally by a straight line bearing 41 degrees 42 minutes distance 32.02 metres to the point of commencement be the said several bearings and distances all a little more or less and all bearings in terms of Grid North, Zone 55 Australian Geodetic Datum 1966 as delineated on miscellaneous plans catalogue numbers M/49/2138, M/49/2139 and M/49/2140 in the said Department of Lands and Physical Planning. Department of Lands and Physical Planning File No. 00/17.

Dated this 3rd day of July, 2001.

C. BENJAMIN, MP.,
Minister for Lands and Physical Planning.