

NORFOLK ISLAND

Regional Council

15 April 2024

T Menzies-Thompson
PO Box 613
NORFOLK ISLAND 2899

Dear Ms Menzies-Thompson

APPROVAL OF DEVELOPMENT APPLICATION DA.BA 5/2024:

New Residence - Dwelling House (encroaching into minimum front boundary setback)

AT Lot: 25 Sec: 16 Por: 42g4 Sh: 42, 47 Cascade Road NORFOLK ISLAND 2899

Thank you for your development application as described above, accepted in accordance with section 35(1) of the *Planning Act 2002 (NI)* (the Act), and approved under section 44(6)(a) of the Act. The development approval is subject to conditions shown in the attached Notice of Decision on Development Application. Please read the conditions carefully.

Please ensure that, prior to commencement of any ground disturbance associated with the construction of the approved development, all personnel working on site in the construction of the approved development and ancillary structures and services are provided with a copy of this Notice of Decision and the conditions of development approval. The landowner is responsible for compliance with the *Planning Act 2002 (NI)*; the *Building Act 2002 (NI)* and any other legislative requirements that apply to the approved development.

Please note that the attached Notice of Decision is for development approval under the *Planning Act 2002 (NI)* only. Your Building Application is being assessed for building approval by the Building Inspector. You will be contacted regarding any additional plans that may be required.

Please do not hesitate to contact Planning and Development on email planning@nirc.gov.nf if you have any queries.

Yours sincerely



Jodie Brown
Senior Strategic Planner

NORFOLK ISLAND

Regional Council

NOTICE OF DECISION ON DEVELOPMENT APPLICATION

Pursuant to Section 47 of the Planning Act 2002 (NI)

I, George Plant, Administrator of Norfolk Island and delegate of the Commonwealth Minister under paragraph 1.66 of the *Minister's Norfolk Island Delegation Instrument 2019 (Cth)*, under section 44(6)(a) of *Planning Act 2002 (NI)* (Norfolk Island) determine the Development Application ("the Application") referred to in Schedule 1 by granting development approval subject to the conditions set out in Schedule 2.

The reasons for the imposition of conditions are to:

- Achieve, in part, the principle Aim of the Norfolk Island Plan 2002, which is *'Whilst recognising that Norfolk Island is first and foremost home to its residents, to provide for development which is consistent with the protection of Norfolk Island's natural environment, the preservation of the unique cultural and built heritage, the preservation of the character and quality of landscape experience, the maintenance of the agricultural industry, the development of a sustainable tourism industry based on Norfolk Island's special characteristics and the development of pleasant and functional places in which to live, work and recreate'*.

And

- Minimise any adverse environmental and other impacts associated with the use of the property on adjacent properties and the amenity of the area.

George Plant

Administrator of Norfolk Island & Commonwealth Minister delegate



Date approved: 12/4/24

Notes:

1. The date upon which this approval takes effect is:
 - a. the expiration of 28 days after this approval is given; or
 - b. if an application is made under Part 7 of the *Planning Act 2002 (NI)* for review of the approval decision within 28 days, the final determination of the review; unless the Administrative Review Tribunal or the Administrative Appeals Tribunal declares an earlier effective date.
2. Pursuant to Section 62 of the *Planning Act 2002 (NI)*, this approval will lapse if the land the subject of this approval has not been used or developed in accordance with this approval by the prescribed date, which is 60 months after the date the approval took effect.

3. Pursuant to Section 78 of the *Planning Act 2002 (NI)*, decisions made by the Minister in relation to this development application is a reviewable decision. Section 79 of the *Planning Act 2002 (NI)* gives the right to apply to the Administrative Review Tribunal or the Administrative Appeals Tribunal for the review of the decision. An application for a review must be lodged within 28 days of the date of this decision.

GLOSSARY

‘the Council’	Means Norfolk Island Regional Council
‘Norfolk Island Plan’	Means Norfolk Island Plan 2002 (effective 16 March 2023)
‘General Manager’	Means the General Manager of Norfolk Island regional Council
‘Minister’	Means the Commonwealth Minister with responsibility for Norfolk Island
‘Building Code of Australia’ (BCA)	Means Volumes One and Two of the National Construction Code and the Plumbing Code of Australia (PCA) is Volume Three of the National Construction Code
‘Sensitive Land Use’	Means Sensitive Land Use as described in the Norfolk Island Plan: (a) Child Care Centre; or (b) Community Facility; or (c) Educational Establishment; or (d) Hospital; or (e) Health Care Service; or (f) Hotel; or (g) Residence (Class); or (h) Resort; or (i) Tourist Park

SCHEDULE 1 – DEVELOPMENT APPLICATION

DEVELOPMENT APPLICATION NO:	DA.BA 5/2024
APPLICATION MADE BY: (THE APPLICANT)	T Menzies-Thompson
LAND TO BE USED OR DEVELOPED: (SUBJECT LAND)	Portion 42g4, 47 Cascade Road
APPROVED USE OR DEVELOPMENT: (THE DEVELOPMENT)	<i>Residence - Dwelling House</i> (encroaching into minimum front boundary setback)
DECISION:	Approved
DATE OF DECISION:	12 April 2024
DATE THE DEVELOPMENT APPROVAL TAKES EFFECT:	11 May 2024
DATE THE DEVELOPMENT APPROVAL LAPSES:	11 May 2029

SCHEDULE 2 - CONDITIONS OF DEVELOPMENT APPROVAL

GENERAL CONDITIONS RELATING TO THIS APPROVAL

Scope of this Approval

1. The Development must be carried out in accordance with:
- a. DA.BA 5/2024 and the stamped approved plans and documentation accompanying this Notice of Decision;



- b. All relevant requirements in the Norfolk Island Plan for the Rural Residential Zone; and the relevant requirements in Development Control Plan No. 2 – Water Resources (2021); and
 - c. The conditions of this Notice of Decision.
2. Where there is any inconsistency between the items listed at (a), (b) and (c) above, the other conditions of this Notice of Decision will prevail.

Approved land Use

3. This development approval is for the Development described in this Notice of Decision only. Nothing in this Notice of Decision shall authorise the use or development of the subject land for any land use beyond the definition of *Residence – Dwelling House* in accordance with the Purpose Definitions in the Norfolk Island Plan as follows:

***‘Residence – Dwelling House** means a residential use of premises involving –
One dwelling for a single household and any domestic non-habitable buildings or structures associated with the dwelling; or
One dwelling for a single household, a secondary dwelling and any domestic non-habitable buildings or structures associated with either dwelling.*

4. Any variation to the approved land use and occupancy of any onsite structures beyond the scope of the above definition; and any further use or development of the subject land that requires a development approval under the *Planning Act 2002 (NI)* will require separate development approval.

Connections to public infrastructure services

5. Connections to public services and infrastructure and other works must be undertaken and completed to the satisfaction of the Council. Costs and responsibilities for installing or upgrading services and infrastructure shall be determined by the Council.

Compliance

6. The conditions of this Notice of Decision must be complied with. The person responsible for the use and development of the site must ensure that all employees, contractors and subcontractors are aware of, and comply with, the conditions of this Notice of Decision. Compliance with conditions will be monitored by an authorised office of the Council.

Dispute resolution

7. For any unresolved dispute arising out of the implementation of these conditions between the person responsible for the use or development of the site and a public authority, company or person (but excluding any dispute between the person responsible for the use and development of the site and his or her contractors and/or subcontractors engaged in the construction of the Development), in the first instance either party can refer the matter to the General Manager, and, if not resolved, the Minister. The Minister’s determination of the disagreement shall be final and binding on all parties.

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF SITE WORKS

Requirement for Building Approval

8. Prior to the commencement of any works or construction, building approval under the *Building Act 2002 (NI)* must be obtained to ensure compliance with the Building Code of Australia.

Wastewater management requirements

9. Prior to commencement of any works or construction, the installation of the on-site wastewater management system must be approved by Council under section 51 of the *Environment Act 1980 (NI)*.
10. in accordance with *Development Control Plan No. 2 - Water Resources (2021)*, the *on-site wastewater management system* must be designed in consultation with Council's Public Health and Environment staff and must be guided by Council's 'Rapid Evaluation Procedure for On-Site Wastewater Management' (attached).

Erosion and sedimentation

11. . Prior to any works commencing on site, the person responsible for the development site must ensure measures to control sediment and erosion are installed to –
 - a. Protect the surrounding environment and prevent runoff containing sediment from the existing development site from entering a watercourse; and
 - b. Ensure that the Development does not result in increased erosion caused by runoff.

Public safety

12. Prior to any works commencing on site, the person responsible for the development site must erect or install on or around the development site such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site; and for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

CONDITIONS TO BE COMPLIED WITH DURING BUILDING WORK

Obligation to minimise harm to the environment

13. All practicable measures to prevent or minimise any harm to the environment that may result from the construction and use of the Development must be implemented.

Construction site maintenance

14. During construction, the site must be maintained in an orderly manner for both visual aesthetics and occupational health and safety considerations. Disturbed areas must be rehabilitated as soon as practicable at the completion of works.

Noise impacts – Construction

15. Unless authorised by Council, all construction activities at the development site which are audible at 'sensitive land uses' (as defined in the Glossary) are restricted to the following times:
 - a. 7:00am to 5:00pm Mondays to Fridays;
 - b. 7:00am to 1:00pm on Saturdays; and
 - c. At no time on Sundays and public holidays.

Dust emissions

16. The Development must be constructed, used and maintained in a manner that will minimise the generation of dust at the development site, and the emission of dust from the development site. Dust minimisation measures shall include, but not be limited to the following:
 - a. All vehicles exiting the site shall be prevented from tracking material from the site.
 - b. Stockpiles shall be maintained in a condition which minimises wind-blown dust; i.e. confined to the smallest practicable area and covered or watered.
 - c. All vehicles entering or leaving the site carrying a load that may generate dust shall be covered at all times, except during loading and unloading.

Traffic, access and parking

17. During construction, access to the site shall be maintained in an orderly manner for occupational health and safety and road safety considerations. Appropriate signage shall be used where necessary to ensure public safety.
18. Vehicular access and parking to and within the site must be safe and convenient for residents, visitors and emergency vehicles.

CONDITIONS RELATING TO ENVIRONMENTAL PERFORMANCE AND AMENITY

Consistency with relevant Use and Development Principles

19. The Development must be consistent with the relevant principles for Use, Character, Amenity, Environment, Access and parking, and Infrastructure and Services, specified in Part B3 – General Provisions in the Norfolk Island Plan.

Visual amenity

20. The roof area, external walls and any paving shall be finished with non-reflective materials and colours that harmonise with the natural landscape.

Vegetation and landscaping

21. Any existing vegetation on the development site that screens or partially screens the Development from residences on neighbouring lots shall be retained and enhanced where practicable to minimise the visual exposure of the Development and to ensure privacy between the Development and developments on adjoining land.
22. Landscaping at the Development shall aim to achieve the following objectives:
 - a. To preserve and enhance the unique visual quality of the vegetation and other natural features of the Island;
 - b. To provide for privacy between the Development and adjoining lots;
 - c. To encourage new plantings and landscaping; and
 - d. To enhance the setting of the Development.

Rainwater, capture and storage requirements

23. In accordance with Clause 19 of *Development Control Plan No. 2 – Water Resources (2021)* all roof areas of the Development must be fitted with rainwater collection systems capable of collecting rain water and delivering it to water storage tanks with sufficient capacity to meet the anticipated water use demands of the approved Development.
24. In accordance with Clause 22 of *Development Control Plan No. 2 – Water Resources (2021)* the minimum water storage for the approved Development must be 50,000 litres with a minimum roof area of 150 square metres. Alternatively, the minimum roof area required for the approved Development shall be 160 square metres with a minimum water storage capacity of 45,000 litres.

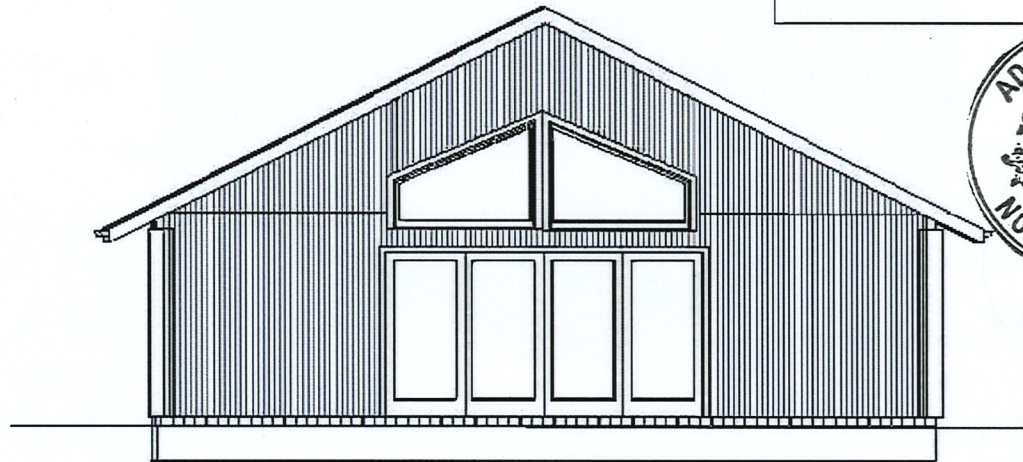
CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPANCY CERTIFICATE

Completion of approved use or development

25. Not later than 30 days following the completion of construction, the General Manager must be notified in writing that the Development has been completed and the conditions of this Notice of Decision have been complied with.

End.

North Elavation



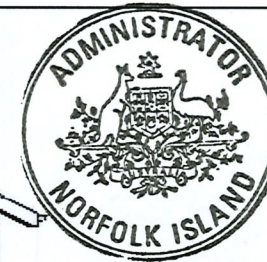
NORFOLK ISLAND REGIONAL COUNCIL

APPROVED PLANS AND DOCUMENTS

DEVELOPMENT APPLICATION No. DA.BA 5/2024

DATE OF APPROVAL 12/4/24

MINISTER'S DELEGATE



DATE: 7/02/2024	
SCALE: 1:28	
SHEET: A-1	
TIT: Menzies-Thompson South Elavation	
SHEET TITLE	

South Elevation

NORFOLK ISLAND REGIONAL COUNCIL

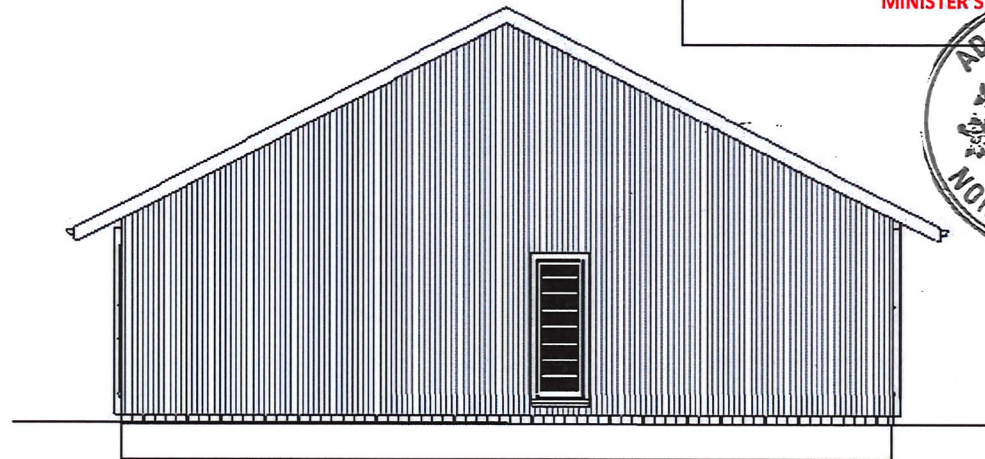
APPROVED PLANS AND DOCUMENTS

DEVELOPMENT APPLICATION No. DA.BA 5/2024

DATE OF APPROVAL

12/4/24

MINISTER'S DELEGATE



DATE:

7/02/2024

SCALE:

1:28

SHEET:

A-1

PROJECT DESCRIPTION	SHEET NO.
Tilly Manzanita-Thompson South Elavition_2023_11	15

West Elavation

NORFOLK ISLAND REGIONAL COUNCIL

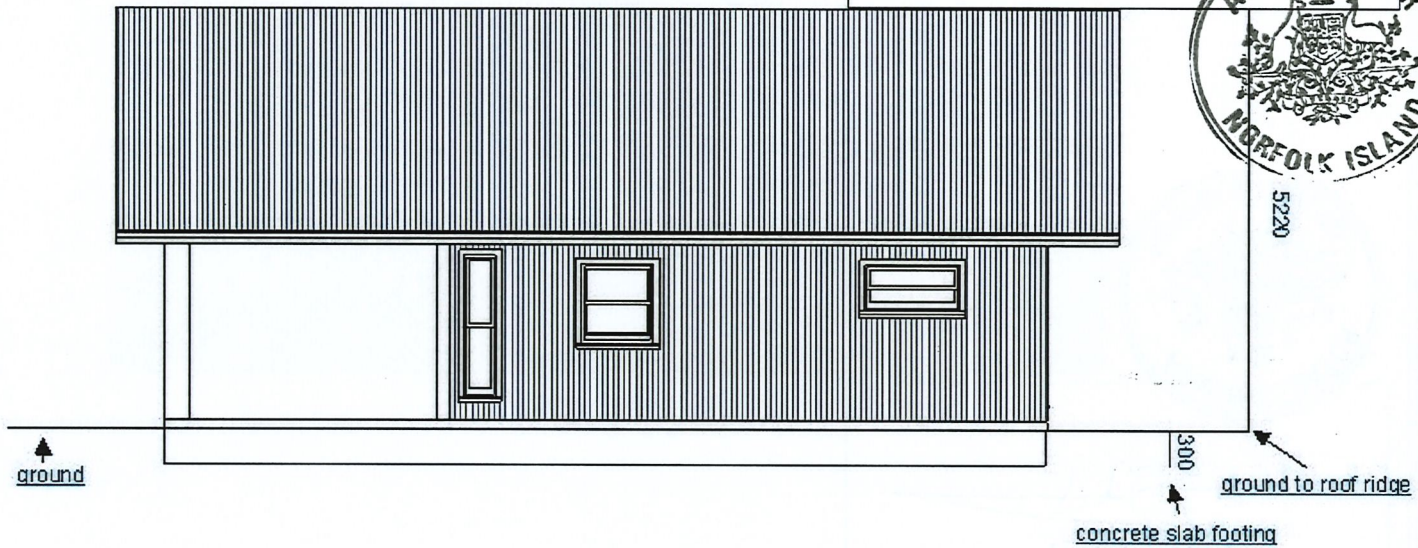
APPROVED PLANS AND DOCUMENTS

DEVELOPMENT APPLICATION No. DA.BA 5/2024

DATE OF APPROVAL 12/4/24

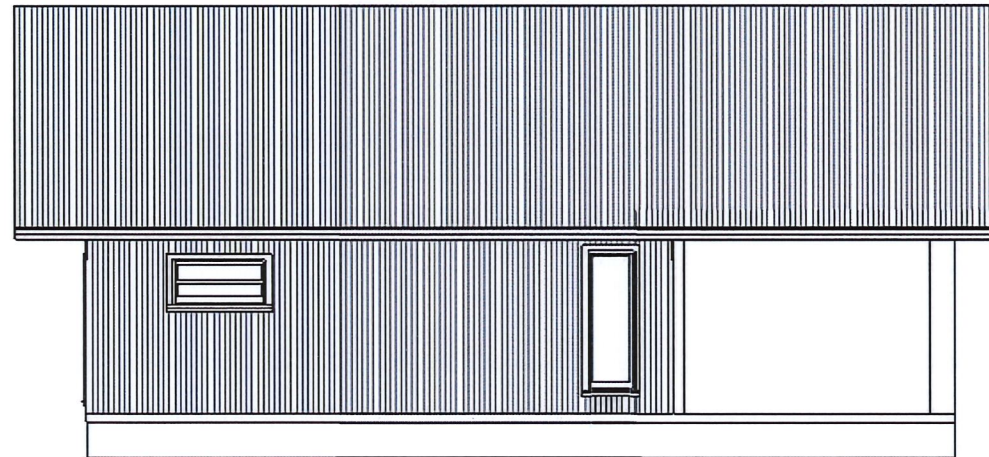


MINISTER'S DELEGATE



DATE:	
13/02/2024	
SCALE:	
1:28	
SHEET:	
A-1	
PROJECT NAME: Tilly Menzies-Thompson West Elevation_2024_02_13	
SHEET TITLE	
PROJECT NO.	
DRAWN BY	
CHECKED BY	
DATE	
SCALE	
SHEET	

East Elavation



NORFOLK ISLAND REGIONAL COUNCIL

APPROVED PLANS AND DOCUMENTS

DEVELOPMENT APPLICATION No. DA.BA 5/2024

DATE OF APPROVAL 12/4/24



MINISTER'S DELEGATE



DATE	
12/4/24	
SHEET TITLE	
Tilly Menzies-Thompson_2023_11_15	
DATE:	
7/02/2024	
SCALE:	
1:28	
SHEET:	
A-1	

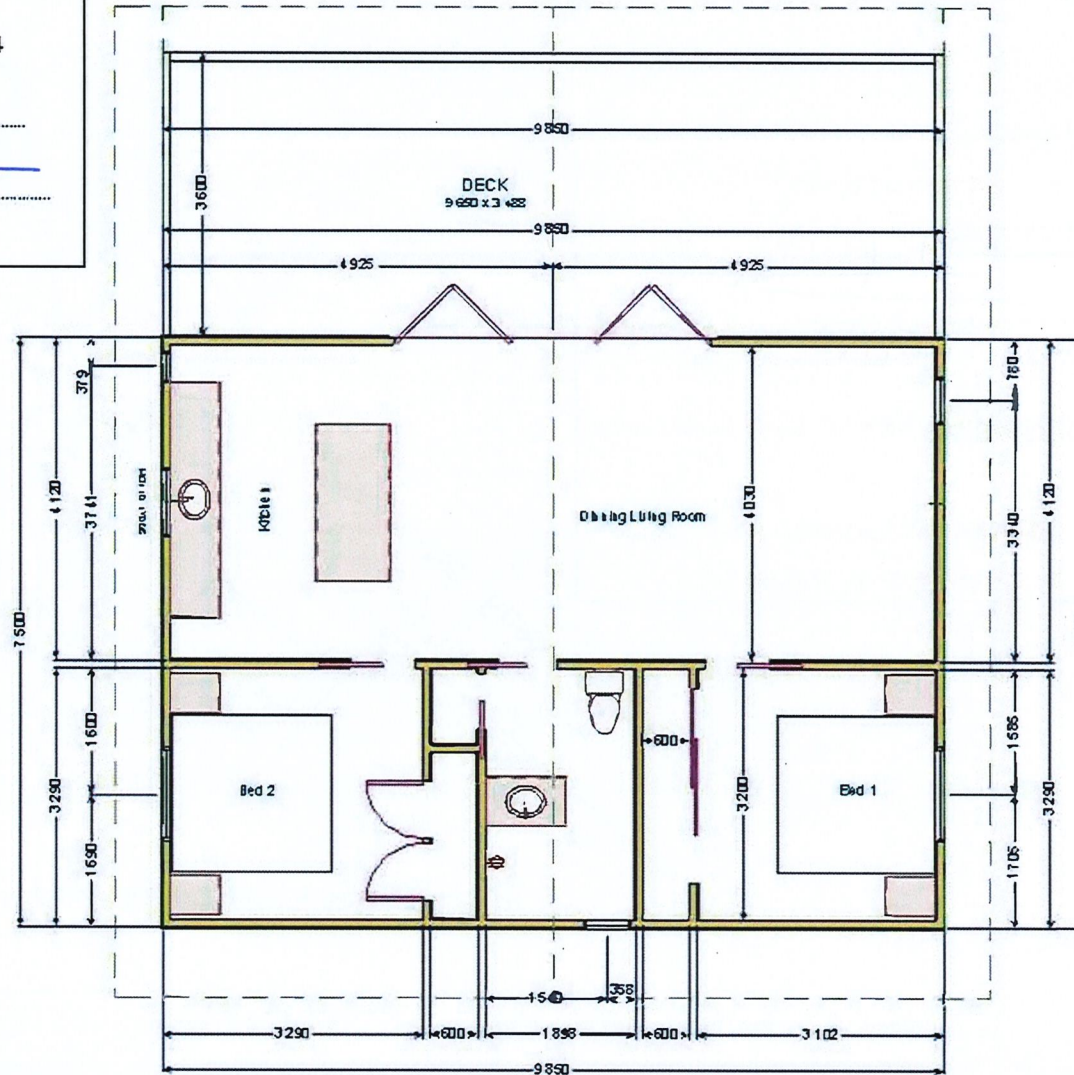
NORFOLK ISLAND REGIONAL COUNCIL
APPROVED PLANS AND DOCUMENTS

DEVELOPMENT APPLICATION No. DA.BA 5/2024

DATE OF APPROVAL 12/4/24

[Signature]

MINISTER'S DELEGATE

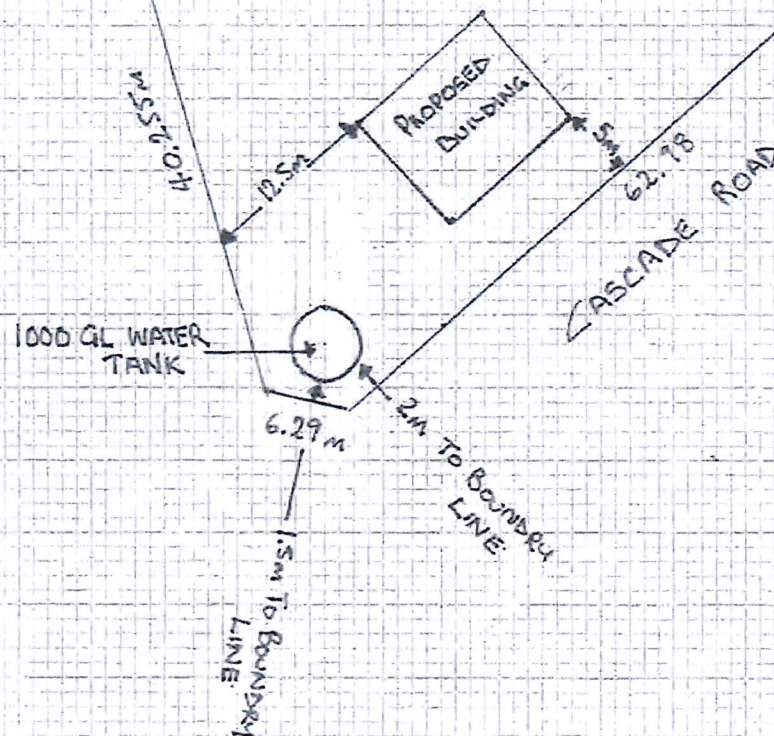
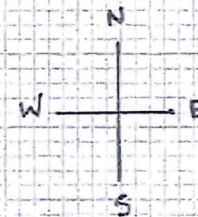


DATE:		12/02/2024	
SCALE:		1:28	
SHEET:		A-1	
DRAWING NUMBER:		Tilly Manzi's-Thompson Floor Plan	
SHEET TITLE:		FLOOR PLAN	

SCALE 1:200

SITE PLAN PORTION 42g4

TANK TO BOUNDARY 4.5m
TANK TO BOUNDARY 3.6m
64.920m
4000 L SEPTIC TANK + SOAKAGE TRENCH



NORFOLK ISLAND REGIONAL COUNCIL
APPROVED PLANS AND DOCUMENTS

DEVELOPMENT APPLICATION No. DA.BA 5/2024

DATE OF APPROVAL 12/4/24

MINISTER'S DELEGATE

