

# NORFOLK ISLAND

Regional Council

6 September 2024

K A Sheridan & R D Ward  
PO Box 543  
NORFOLK ISLAND 2899

By email: [kylieannesh Sheridan@gmail.com](mailto:kylieannesh Sheridan@gmail.com)

Dear Mr & Mrs Ward

**APPROVAL OF DEVELOPMENT APPLICATION DA.BA 20/2024:**

**Change of Use to add *Residence - Accommodation Unit* as an additional permitted use at the existing *Residence – Dwelling House*  
AT Lot: 110 Sec: 3 Por: 50m1, Allendale Drive**

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 read the conditions carefully. Statutory requirements in your Notice of Decision refer to registration of the residence for use as a tourist accommodation unit under the *Tourist Accommodation Act 1984 (NI)*. Please contact Council's Customer Care Office to progress the registration for tourist accommodation.

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. Building approval is required to change the classification of the building.

Please do not hesitate to contact Planning and Development on email [planning@nirc.gov.nf](mailto: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)* 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: 5/9/22

#### 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

### SCHEDULE 1 – DEVELOPMENT APPLICATION

<b>DEVELOPMENT APPLICATION NO:</b>	DA.BA 20/2024
<b>APPLICATION MADE BY: (THE APPLICANT)</b>	K A Sheridan & R D Ward
<b>LAND TO BE USED OR DEVELOPED: (SUBJECT LAND)</b>	Lot: 110 Sec: 3 Por: 50m1, 30 Allendale Drive
<b>APPROVED USE OR DEVELOPMENT: (THE DEVELOPMENT)</b>	Change of Use to add <i>Residence - Accommodation Unit</i> as an additional permitted use at the existing <i>Residence – Dwelling House</i>
<b>DECISION:</b>	Approved
<b>DATE OF DECISION:</b>	5 September 2024
<b>DATE THE DEVELOPMENT APPROVAL TAKES EFFECT:</b>	4 October 2024
<b>DATE THE DEVELOPMENT APPROVAL LAPSES:</b>	4 October 2029

### SCHEDULE 2 - CONDITIONS OF DEVELOPMENT APPROVAL

#### GENERAL CONDITIONS RELATING TO THIS APPROVAL

##### Scope of this Approval

1. The Applicant shall carry out the Development in accordance with:
  - a) DA.BA 20/2024 and the stamped approved plan accompanying this Notice of Decision;
  - b) All relevant requirements in the Norfolk Island Plan for the Rural 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 definitions of *Residence – Dwelling House* or *Residence – Accommodation Unit* in accordance with the Purpose Definitions in Cl. 104 of 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.*

**Residence – Accommodation Units** means the use of premises for –

*(a) providing accommodation of not more than 21 days to tourists or travelers; or  
(b) a manager’s residence, office, or recreation facilities for the exclusive use of guests, if the use is ancillary to the use in subparagraph (a).*

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.

#### **Compliance**

5. The conditions of this Notice of Decision must be complied with. The person responsible for the use 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**

6. For any unresolved dispute arising out of the implementation of these conditions between the person responsible for the use of the site and a public authority, company or person (but excluding any dispute between the person responsible for the Development 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 RELATING TO STATUTORY REQUIREMENTS**

#### **Requirement for Building Approval**

7. Prior to the use of the premises for *Residence – Accommodation Unit*, building approval under the *Building Act 2002 (NI)* must be obtained to recognise the appropriate classes of building and ensure compliance with the Building Code of Australia.

#### **Registration as a tourist accommodation house**

8. Prior to the use of the premises for *Residence – Accommodation Unit*, application must be made for registration of the tourist accommodation house in accordance with section 7 of the *Tourist Accommodation Act 1984 (NI)*.

#### **Provisions for Emergencies**

9. Prior to making an application for registration of the tourist accommodation house under the *Tourist Accommodation Act 1984 (NI)* the requirements of clause 16 of the *Tourist Accommodation Regulations 1984 (NI) - Provision for Emergencies* must be implemented in full.
10. The person responsible for the Development must make arrangements for the Norfolk Island Regional Council’s responsible officer to complete an inspection of the provisions for emergencies to confirm compliance with the *Tourist Accommodation Regulations (NI)*.

11. Written advice must be provided with the application to register the tourist accommodation house confirming that the Norfolk Island Regional Council's responsible officer has completed an inspection of the premises and is satisfied the provisions for emergencies comply with the requirements specified in clause 16 of *Tourist Accommodation Regulations (NI)*.

#### **Quality Assurance Program for Supply of Drinking Water**

12. Prior to making an application for registration of the tourist accommodation house under the *Tourist Accommodation Act 1984 (NI)*, Norfolk Island Regional Council's Public Health and Environment Section must be consulted to determine requirements for a Quality Assurance Program for the supply of drinking water at the premises.
13. Written advice must be provided with the application to register the tourist accommodation house confirming that Council's responsible officer is satisfied with the Quality Assurance Program for use of the premises as a *Residence – Accommodation Unit*.

#### **Ready for Test**

14. The person responsible for the Development must make arrangements for a ready for test of the electrical equipment and connections installed at the premises to be conducted at the completion of all electrical work at the premises. Written advice that the ready for test has been completed and satisfies requirements must be provided with the Compliance Declaration under section 38 of the *Building Act 2002 (NI)*.

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

15. Not later than 30 days following the completion of activities to achieve the change of use to *Residence – Accommodation Unit*, 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



NORFOLK ISLAND REGIONAL COUNCIL

APPROVED PLANS AND DOCUMENTS

DEVELOPMENT APPLICATION No. DA.BA 20/2024

DATE OF APPROVAL 5/9/24



MINISTER'S DELEGATE



COVERED DECK.

