

NORFOLK ISLAND

Regional Council

20 September 2024

E Quintal & S J Pedel
20a Ephraim Christian Road
NORFOLK ISLAND

Dear Ms Quintal & Mrs Pedel

APPROVAL OF DEVELOPMENT APPLICATION DA 2/2024:
Subdivision – Major: Boundary adjustment between Portions 30y and 30z2
20a-b Ephraim Christian Road

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; especially Condition 7 which outlines statutory requirements to progress registration of the *Subdivision – Major: Boundary Adjustment* between the two portions.

It is your responsibility to contact the Council's Land Titles Office on Phone 22001 to make arrangements to progress registration of the Boundary Adjustment and for you to arrange for preparation of a certified survey plan consistent with the development approval to submit to the Land Titles Office.

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)* 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: 20/9/2024



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

SCHEDULE 1 – DEVELOPMENT APPLICATION

DEVELOPMENT APPLICATION NO.:	DA 2/2024
APPLICATION MADE BY: (THE APPLICANT)	E Quintal & S J Pedel
LAND TO BE USED OR DEVELOPED: (SUBJECT LAND)	Portions 30y and 30z2, 20a and 20b Ephraim Christian Road
APPROVED USE OR DEVELOPMENT: (THE DEVELOPMENT)	<i>Subdivision - Major:</i> Boundary Adjustment between Portions 30y and 30z2
DECISION:	Approved
DATE OF DECISION:	20 September 2024
DATE THE DEVELOPMENT APPROVAL TAKES EFFECT:	18 October 2024
DATE THE DEVELOPMENT APPROVAL LAPSES:	18 October 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 2/2024 and the stamped approved plan accompanying this Notice of Decision;
 - b. All relevant requirements in the Norfolk Island Plan for the Rural Zone; and
 - 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.

Limits to this approval

3. This approval is for the Development described in this Notice of Decision only.
4. Any further use or development of the subject land that requires a development approval under the *Planning Act 2002 (NI)* must not be conducted without first obtaining separate development approval.

Compliance

5. The Applicant shall comply with the conditions of this Notice of Decision, and shall ensure that all employees, contractors and subcontractors are aware of, and comply with, the conditions of this

Notice of Decision. Compliance with conditions shall be monitored by an authorised officer of the Norfolk Island Regional Council.

Dispute resolution

6. For any unresolved dispute arising out of the implementation of these conditions between the Applicant and a public authority, company or person (but excluding any dispute between the Applicant and its contractors and/or subcontractors) in the first instance either party can refer the matter to the General Manager, Norfolk Island Regional Council, and, if not resolved, the Minister. The Minister's determination of the disagreement shall be final and binding on all parties.

Statutory Requirements: Subdivision – Boundary Adjustment

7. The subdivision must be registered under the *Land Titles Act 1996 (NI)* in accordance with the requirements of Part 3 of the *Subdivision Act 2002 (NI)*. The person responsible for the Development must consult with the Council's Registrar of Titles to determine requirements and processes for registration. This shall include, but shall not be limited to, the following:
 - a. A survey plan of the subdivision must be prepared and certified to be accurate by a surveyor authorised under the *Surveyors Act 1937 (NI)*;
 - b. The survey plan must be certified to be accurate by the Surveyor-General in accordance with the *Subdivision Act 2002 (NI)*;
 - c. Certification by the General Manager in accordance with the *Subdivision Act 2002 (NI)* that all conditions of this Notice of Decision have been satisfied, prior to registration of titles resulting from the subdivision.

End

NORFOLK ISLAND REGIONAL COUNCIL
APPROVED PLANS AND DOCUMENTS

DEVELOPMENT APPLICATION No. DA 2/2024

DATE OF APPROVAL 20/09/24



MINISTER'S DELEGATE



Lot 62
Por 30z1

80.88

ROAD

Lot 63
Por 30/1

5.03

Lot 147
Por 30q1

WIDE

Lot 67
Por 30r1

204.25

Lot 70
Por 30k

Lot 59
Por 30v

20.755

40.23

40.24

82.66

**Lot A
5685m²**

124.77

(12.07 WIDE)

CHRISTIAN

**Lot B
2.416ha**



95.81

61.85

EPHRAIM

**PLAN SHOWING PROPOSED SUBDIVISION
LOT 60 PORTION 30y & LOT 61 PORTION 30z2
EPHRAIM CHRISTIAN ROAD**

Notes:

 Boundary - Proposed
 Boundary - Adjoining

Locality: **NORFOLK ISLAND**
LGA: **NIRC**
Region: **SOUTH PACIFIC**
Official Survey: **Sht28**

Datum XY: **MGA58**
Datum Z: **N/A**
RL: **N/A**
CAD: **12d NI MASTER**

Ref: **N24016-2A**
Date: **22.01.2024**
RR: **1:1500 @ A4**
FB: **N/A**

Surveyor: **SC**
Drawn: **RRAV**
Checked: **SC**
Data Files: **N24016 D01**
Sheet: **1 of 1**

Client: **Lynn Quintal**

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