NORFOLK ISLAND
Regional Council

NOTICE OF DECISION ON DEVELOPMENT APPLICATION

FOR A DECLARED SIGNIFICANT DEVELOPMENT

Pursuant to Section 44D(2) 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 44D(2)(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, and to minimise any adverse environmental and other impacts associated with the development on the property and on adjacent properties.

George Plant

Administrator of Norfolk Island & Commonwealth Minister delegate

ADMINISTRATOR NORFOLK ISLAND

Date approved: 29th April 2026

Notes:

1. Pursuant to Section 50A of the *Planning Act 2002 (NI),* the date upon which this development approval takes effect is the date on which the approval is given.

2. Pursuant to Section 62 of the *Planning Act 2002 (NI),* this development 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 approval is given.

Development Application No.: DABA 28.2025

Applicant: Department of Infrastructure, Transport, Regional Development, Communications, Sports and the Arts

Proposal: Norfolk Island Health and Residential Aged Care Service Redevelopment - Stage 1 ('the Development')

Property: 2 Grassy Road, Burnt Pine

Zoning: Special Use, Norfolk Island Plan 2002

Land Description: Portions 24a3, 24b1, 24b2, 24c and 24k

Category: Significant Development

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'	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.

---

1. DETERMINATION

Pursuant to the provisions of section 44D(2)(a) the *Planning Act 2002 (NI)*, the Development Application described above has been:

APPROVED, subject to the conditions of consent set out in this Notice of Decision.

---

2. REASONS FOR APPROVAL

The Minister is satisfied that:

- The development is declared significant development and permissible within the Special Use Zone;
- The proposal complies with the objectives of Part A of the Plan - Strategic Plan;
- The proposal is consistent with the objectives of the Special Use Zone;
- The proposal is consistent with relevant Use and Development Principles specified in Part B3 of the Plan;
- Environmental impacts have been assessed and subject to further assessment as specified in condition A1.1, it is expected that they can be appropriately managed;
- The development provides significant social and community benefits; and
- The proposal is in the public interest.

3. CONDITIONS OF APPROVAL

PART A – GENERAL

A1.1 Development approval is subject to further development approval

Under the provisions of section 31 of the Act, the Development is approved subject to another development approval which must be applied for after the Design has progressed to at least the 50% Design stage. An Application to Modify Development Approval would need to be made under Part 5- *Development Application Process* - Division 4 – *Modifications to development approvals* of the Act, accompanied by documentation including design plans progressed beyond the 50% Design stage, and supporting documentation including an advanced Construction Environmental Management Plan incorporating progressed specific mitigation measures identified and developed as the detailed design for the Development progresses.

A1.2 Approved Development

The Development must be carried out in accordance with:

- The Development Application;
- The stamped approved plans and supporting documentation;
- The Environmental Impact Statement (EIS); and
- These conditions of this approval.

In the event of any inconsistency, these conditions prevail.

A2. Staging
The Development may be carried out in stages. Each stage must comply with this approval unless otherwise approved in writing by the General Manager.

A3. Compliance with Legislation
The Development must comply with all relevant legislation, regulations, and standards applicable to the Development.

A.4. Compliance with this Notice of Decision

The person responsible for the Development must 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.

A.5. Dispute resolution

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 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.

PART B – PRIOR TO COMMENCEMENT OF WORKS

B1. Construction Environmental Management Plan (CEMP)
Works must not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the General Manager.

The CEMP must include, but not be limited to:

- Erosion and sediment control measures
- Dust suppression measures
- Noise and vibration management
- Traffic, parking and access management
- Waste management and disposal procedures
- Hazardous materials and contamination management
- Flora and fauna protection measures
- Mitigation measures to address any potential impacts related to construction activities.
- Environmental monitoring and reporting
- Incident response procedures.

All works must be carried out in accordance with the approved CEMP.

B2. Contamination and Asbestos Management Plan
Demolition or excavation works must not commence until a Contamination and Asbestos Management Plan has been prepared by a suitably qualified person and approved by the General Manager.

The Plan must:

- Identify all contamination risks;
- Detail procedures and responsibilities for safe handling, removal, transport and disposal;
- Include air monitoring and worker safety measures; and
- Comply with all relevant standards, policies and guidelines.

B3. Erosion and Sediment Control Plan
An Erosion and Sediment Control Plan must be prepared and implemented prior to the commencement of earthworks.

All erosion and sediment controls must be installed prior to any disturbance of the Development site and maintained for the duration of works.

B4. Tree Removal Permit

In considering a development application, Section 5A of the *Trees ACT 1997 (NI)* requires the Minister to have regard to matters including the objects of that Act and the likelihood of a permit to take a protected tree under that Act being required in conjunction with the proposed use and development.

Application must be made under section 6 of the *Trees Act 1997 (NI)* for a permit to take a protected tree, meaning a tree of a species specified in the Schedule of the *Trees Regulations 1999 (NI).* Prior to removal of any trees, an authorised officer appointed under section 25 of the *Trees Act 1997 (NI)* must be consulted to determine whether a permit is required under the *Trees Act 1997 (NI)*.

B5. Community Notification

The person responsible for the Development must provide written notification to surrounding residents and relevant stakeholders at least **7 days prior** to the commencement of works.

PART C – DURING CONSTRUCTION

C1. Construction Hours

Construction work must only be carried out between:

- 7:00am to 5:00pm Monday to Friday;

- 7:00am to 1:00pm Saturday;

No work is permitted on Sundays or public holidays unless otherwise approved in writing by the General Manager.

C2. Noise and Vibration
All reasonable and feasible measures must be implemented to minimise noise and vibration impacts.

Construction activities must not give rise to offensive noise at any sensitive land use.

If noise complaint(s) are received by the General Manager in relation to the Development, the Council shall have the right to monitor noise emissions from the development; and if necessary, to impose time and/or operational restrictions on the Development, determined in consultation with the person responsible for the Development and agreed in writing by the General Manager.

C3. Dust and Air Quality
The Applicant must ensure that dust emissions are minimised at all times.

Measures must include, but are not limited to:

- Watering of exposed surfaces;
- Covering of stockpiles;
- Minimising disturbed areas.

C4. Traffic and Parking Management
A Traffic Management Plan must be implemented to ensure:

- Safe ingress and egress to the site;
- Minimal disruption to the surrounding road network;
- Uninterrupted access for emergency services.

C5. Waste Management
All waste generated by the development must be:

- Minimised;
- Reused or recycled where feasible;
- Segregated into appropriate streams; and
- Disposed of in accordance with procedures and requirements of the Council's Waste Management Centre.

Hazardous waste must be managed and disposed of in accordance with all relevant requirements.

C6. Hazardous Materials
All hazardous materials, including asbestos, must be handled, transported and disposed of by appropriately licensed contractors in accordance with relevant legislation.

C7. Flora and Fauna Protection
The person responsible for the Development must ensure that:

- Vegetation clearing is minimised;
- Retained vegetation is protected;
- Fauna disturbance is minimised.

C8. Site Management
The site must be:

- Secured at all times;
- Kept in a clean and orderly condition; and
- Managed to prevent environmental harm.

PART D – ENVIRONMENTAL MANAGEMENT

D1. Environmental Monitoring
The Applicant must undertake environmental monitoring in accordance with the approved Construction Environmental Management Plan.

Monitoring must include, where relevant:

- Noise;
- Dust;
- Water quality.

Results must be provided to the General Manager upon request.

D2. Incident Reporting
Any environmental incident must be reported to the General Manager within **24 hours** of occurrence.

The incident must be managed in accordance with the approved Construction Environmental Management Plan.

D3. Vegetation and Landscaping

Any existing vegetation at the development site that screens or partially screens the Development from neighbouring portions shall be retained and enhanced were practicable.

Landscaping at the Development shall aim to achieve the following objectives:

- To preserve and enhance the unique visual quality of the vegetation and other natural features of the Island;
- To encourage new plantings and landscaping; and
- To enhance the setting of the Development.

PART E – PRIOR TO OCCUPATION

E1. Site Rehabilitation
All disturbed areas must be rehabilitated and stabilised prior to occupation.

E2. Removal of Temporary Works
All temporary buildings, plant, equipment and waste must be removed from the site prior to occupation.

E3. Compliance Certification
Prior to occupation, the person responsible for the Development must provide written certification from a suitably qualified person to the General Manager that:

- The Development has been completed in accordance with this Notice of Decision; and
- All conditions of consent have been satisfied.

The Development must not be occupied until an Occupancy Certificate issued under section 40 of the *Building Act 2002 (NI)* has been issued.

PART F – ONGOING OPERATION

F1. Approved Use
The Development must only be used for:

- Hospital
- Residential Care Establishment; and
- Ancillary uses approved under this Notice of Decision.

F2. Maintenance
The Development must be maintained in a safe, functional and environmentally responsible manner at all times.

---

4. ADVICE TO APPLICANT

- This development approval does not remove the need to obtain any other approvals required under other legislation.
- Failure to comply with these conditions may result in enforcement action.

End