

NORFOLK ISLAND

Regional Council

14 April 2026

D Brogden
PO Box 156
NORFOLK ISLAND 2899

Dear Mr Brogden

**APPROVAL OF DEVELOPMENT APPLICATION 4/2026:
TOURIST ATTRACTION AND FOOD AND DRINK PREMISES**

AT Portions 149d (partial), 153d1, 153d2, 153d3, 153d4, 81 Grassy Road Grassy 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 on 13 April 2026. 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 land owner 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 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'.
- 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:

Notes:

April 13th 2026

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 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)*, the decision made by the Minister in

relation to this development application is a reviewable decision. Pursuant to Section 79 of the *Planning Act 2002 (NI)*, application may be made to the Administrative Review Tribunal for review of the decision. An application for review of the decision must be lodged within 28 days of the date of this Notice of 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
'Premises'	Means the parcels of land described as the 'subject land' in Schedule 1 along with the structures, buildings, or appurtenances.

SCHEDULE 1 – DEVELOPMENT APPLICATION

DEVELOPMENT APPLICATION NO:	DA.BA 04/2026
APPLICATION MADE BY: (THE APPLICANT)	D. Brogden
LAND TO BE USED OR DEVELOPED: (SUBJECT LAND)	Portions 149d (partial), 153d1, 153d2, 153d3, 153d4, 81 Grassy Road
APPROVED USE OR DEVELOPMENT: (THE DEVELOPMENT)	Change of use to add <i>Tourist Attraction and Food and Drinks Premises</i> as additional permitted uses of the Premises.
DECISION:	Approved
DATE OF DECISION:	13 April 2026
DATE THE DEVELOPMENT APPROVAL TAKES EFFECT:	12 May 2026
DATE THE DEVELOPMENT APPROVAL LAPSES:	12 May 2031

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 04/2026 and the stamped approved documentation 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.

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 of onsite structures for any land use beyond the definitions of *Tourist Attraction and Food Premises*, in accordance with the Purpose Definitions in the *Norfolk Island Plan* as follows:

Tourist Attraction

Means the use of the premises for -

- (a) *providing entertainment to, or a recreation facility for, the general public; or*
- (b) *preparing and selling food and drink for consumption on the premises, if the use is ancillary to the use in paragraph (a).*

Food and Drinks Premises

Means the Use or Development of Land or the preparation and/or sale of food and drink to the public.

4. All retail activity must be integral and subservient to the primary uses as *Tourist Attraction and Food and Drinks Premises* and limited to selling goods directly relating to those activities only.
5. Any variation to the approved land use and occupancy of any onsite structures beyond the scope of the above definitions; 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

6. Any required new 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

7. 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 officer of Council.

Dispute resolution

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

Requirement for Building Approval

9. Prior to the use of the subject land and premises for *Tourist Attraction* and *Food and Drinks Premises*, building approval under the *Building Act 2002 (NI)* must be obtained to recognize the appropriate classes of buildings and ensure compliance with the Building Code of Australia.
10. Prior to the use of the subject land and premises for *Tourist Attraction* and *Food and Drinks Premises*, an Occupancy Certificate issued under section 40 of the *Building Act 2002 (NI)* must be obtained.

CONDITIONS RELATING TO ENVIRONMENTAL PERFORMANCE AND AMENITY

Consistency with relevant Use and Development Principles

11. 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*.

Obligation to minimise harm to the environment

12. All practicable measures must be undertaken to prevent or minimise any harm to the environment that may result from the use of the Development.

External Lighting

13. Lighting has the potential to adversely impact nesting and / or nocturnal birds that are attracted to lights at night time, including adding to disorientation and collisions with infrastructure. To reduce potential impacts on birds, the Development must comply with the following conditions:
 - a. Exterior lighting must be minimised and limited to lighting that is essential; and be focussed where light is necessary.
 - b. Upward light spill must be eliminated. Light must be directed downwards, not upwards or sideways.
 - c. Shielded fittings that do not allow any light above the horizontal plane must be used to contain light to required areas.
 - d. Exterior light intensity must be minimised. Warm yellow/orange/amber coloured light bulbs should be used.
 - e. Exterior light must not be directed onto reflective surfaces.

Argentine Ant Management

13. The subject land is close to active Argentine Ant Eradication Program zones (Zones 5 and 15). As such it is necessary for the subject land to be inspected by Council staff to determine whether Argentine Ants are present at the subject land prior to removal of waste materials from the subject land.

14. In addition, to avoid transporting Argentine Ants from the subject land to anywhere else on Island, the person responsible for the Development must ensure that potential carriers of Argentine Ants are not removed from the subject land unless thoroughly checked for the presence of Argentine Ants and that any infested items are appropriately treated by Council staff. Potential carriers include garden waste, firewood, building waste and machinery such as earthmovers, chippers and slashers.

Vegetation and Landscaping

15. Any existing vegetation at the subject land that screens or partially screens the Development from development at neighbouring lots shall be retained and enhanced where practicable to minimise the visual exposure of the Development, enhance noise attenuation and to ensure privacy between the Development and developments on adjoining land.
16. Landscaping at the Development shall aim to achieve the following objectives:
 - a. To provide for privacy between the Development and adjoining lots;
 - b. To encourage new plantings and landscaping; and
 - c. To enhance the setting of the Development and the streetscape of Grassy Road.

Hours and Days of Operation

17. Hours and days of operation are not specified in this Notice of Decision. However, in the event that nuisance complaint(s) are received by the Council in relation to the use of the premises as described in this Notice of Decision, the General Manager shall have the right to monitor the use of the premises and if necessary, particularly in relation to noise and traffic impacts, to place time, noise and operational restrictions on the use of the premises as described in this Notice of Decision determined in consultation with the person responsible for the Development.

Noise

18. During operation, noise emissions from the Development must not compromise the peaceful enjoyment of neighbouring land by any person.
19. If a noise complaint is received by the Council in relation to any aspect of the Development, the Council must take action to investigate the complaint. Any recommendations made by Council to mitigate genuine noise complaints associated with the Development must be implemented.

Traffic, Access and Parking

20. Vehicular access and parking to and within the site must be safe and convenient for customers and emergency vehicles.
21. All parking associated with the Development must be provided on-site.
22. If on-site parking is insufficient, alternate measures must be taken to prevent off-site parking, such as transport of patrons to and from the site by bus.

Advertising structures and signs

23. The display of advertising structures and signs is managed under *Development Control Plan No. 4 – Outdoor Advertising Structures and Signs* (DCP No. 4). A development approval may be required for the display of signage under the *Planning Act 2002 (NI)*. Advertising structures and signs that require development approval must not be implemented without first obtaining separate development approval.

Note: No approval is required for the proposed refresh of existing signage.

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

24. The person responsible for the Development must make arrangements with the Norfolk Island Fire Service for an inspection of the premises at the subject land. Written advice from the Norfolk Island Fire Service advising that the requirements of the Fire Service have been satisfied must be provided with the Compliance Declaration under section 38 of the *Building Act 2002 (NI)*.
25. Where electrical work has been undertaken, 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)*.

COMPLETION OF APPROVED USE OR DEVELOPMENT

26. Not later than 30 days following the completion of activities to achieve the change of use to *Tourist Facility* and *Food and Drinks Premises*, 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.

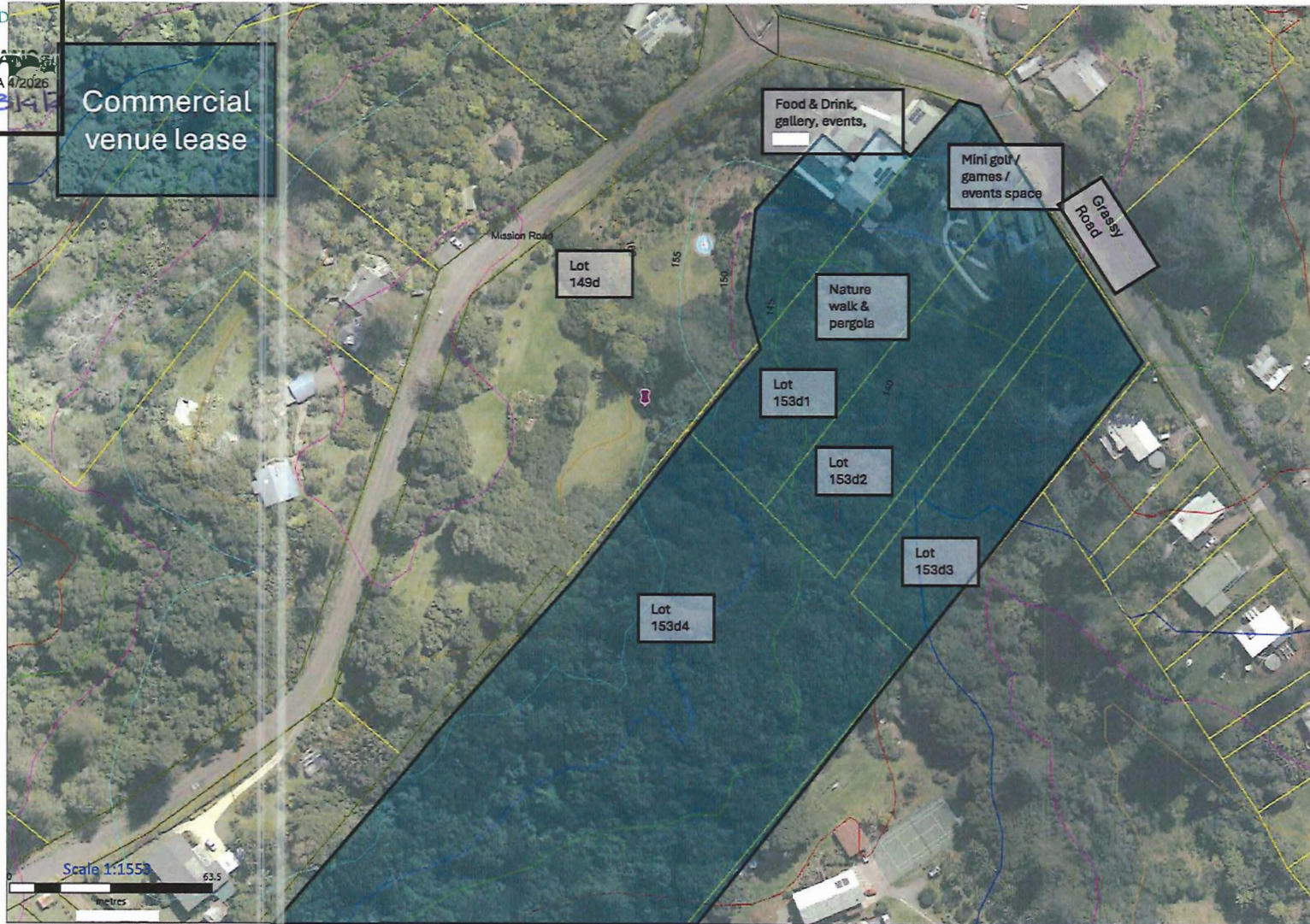
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NORFOLK ISLAND
Territory of Australia

APPROVED PLAN

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Approved
Sheet: 1 of 6

Commercial
venue lease

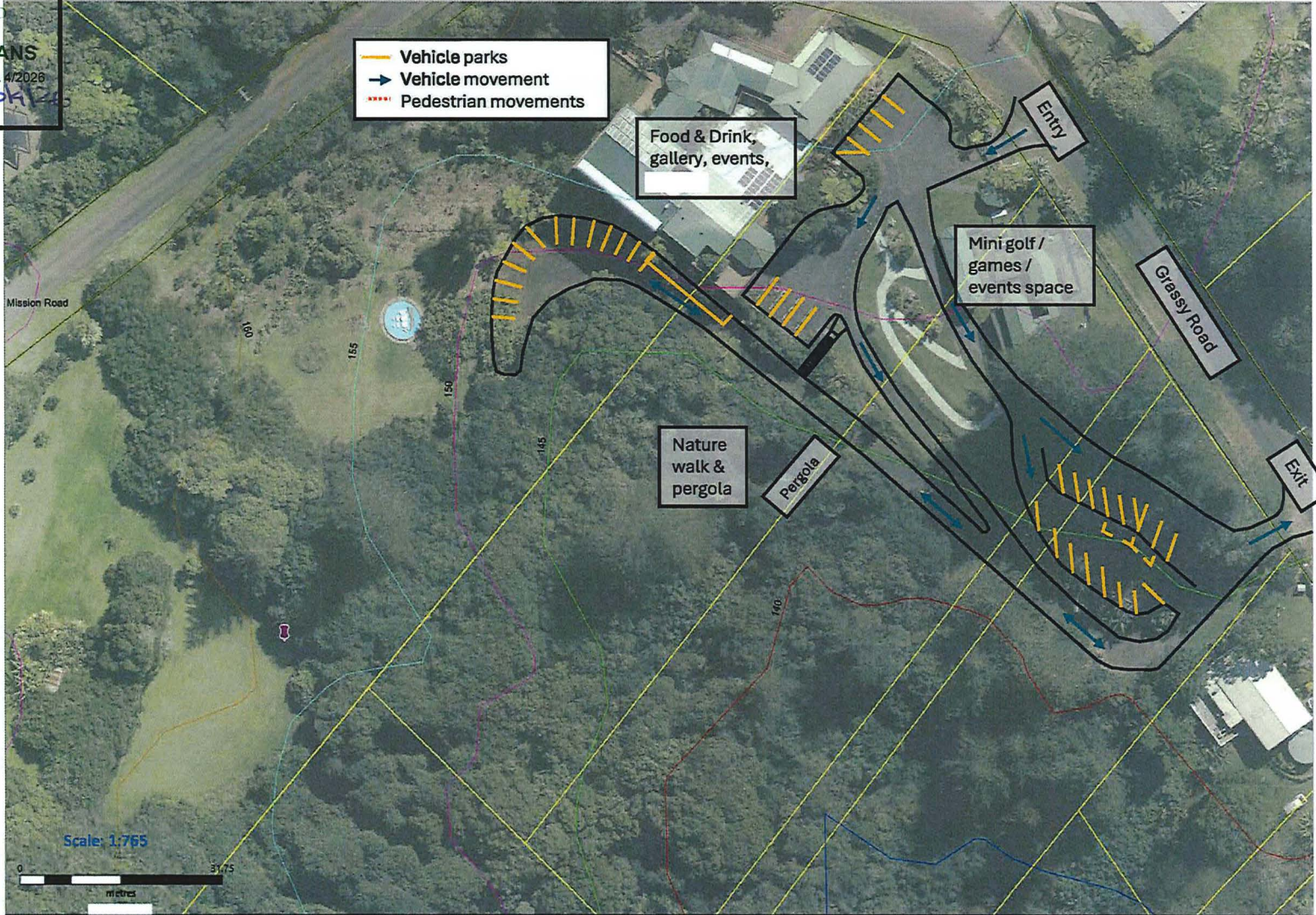


APPROVED PLANS

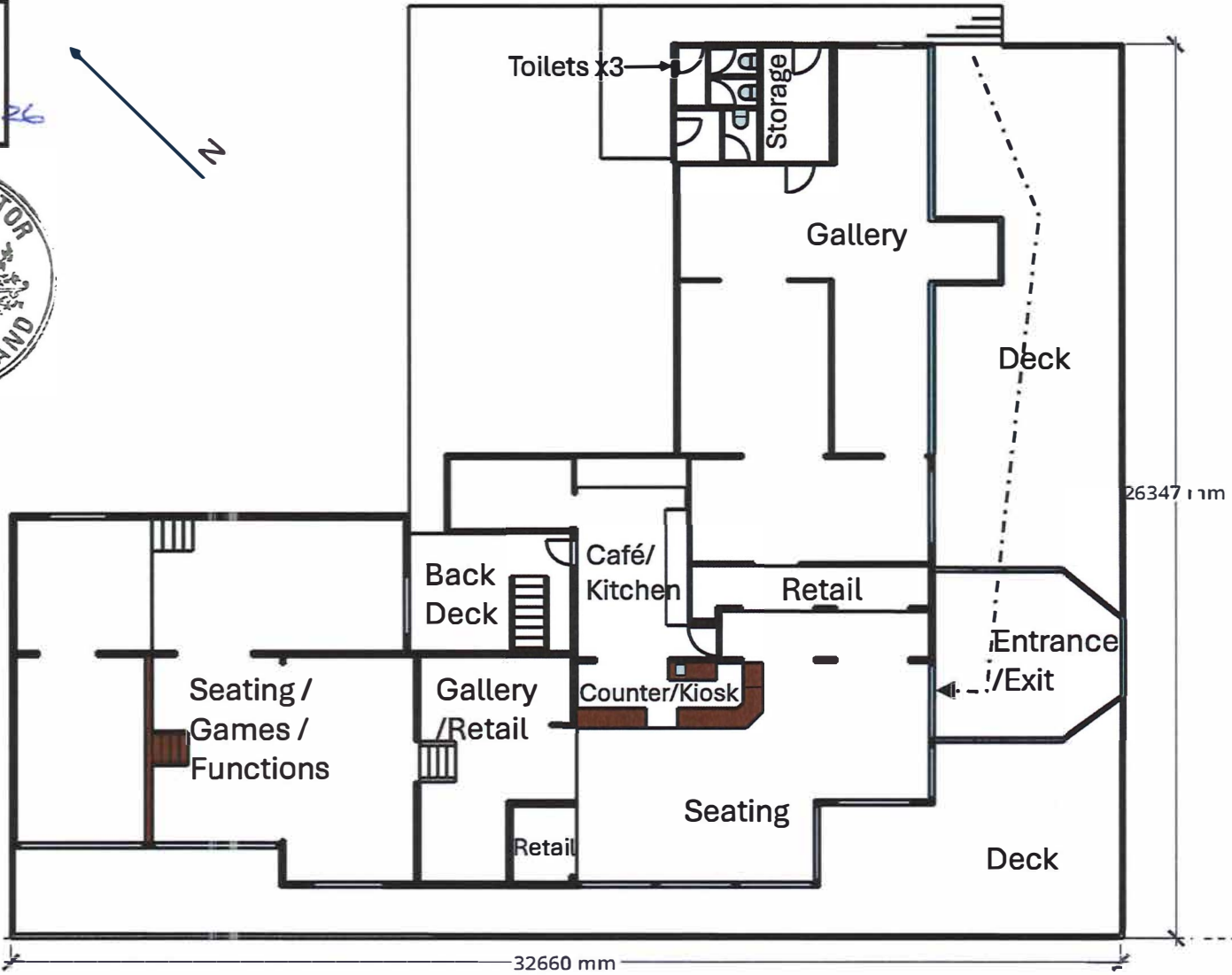
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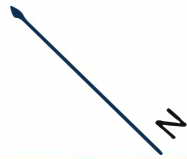
- Vehicle parks
- Vehicle movement
- Pedestrian movements



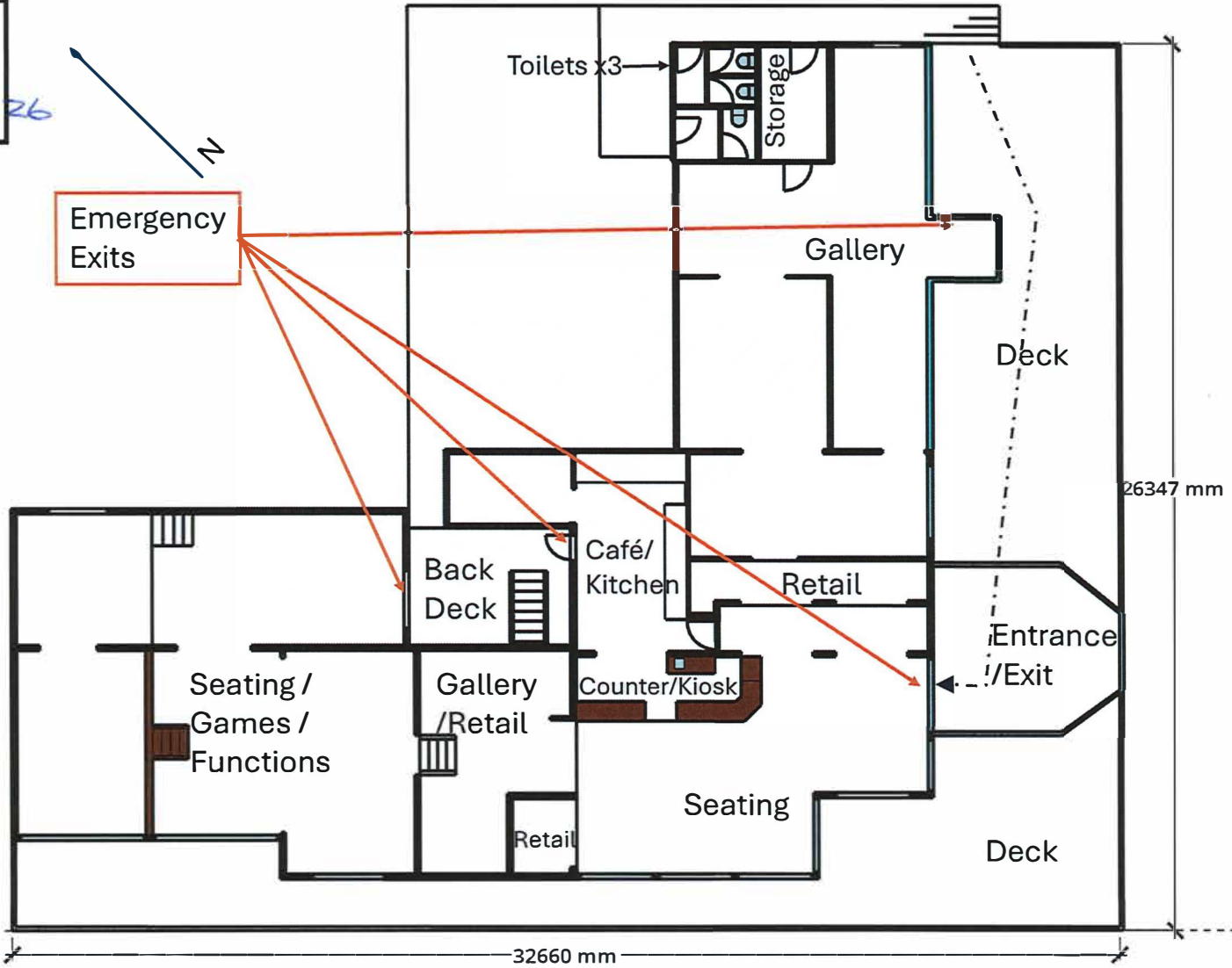
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Emergency Exits

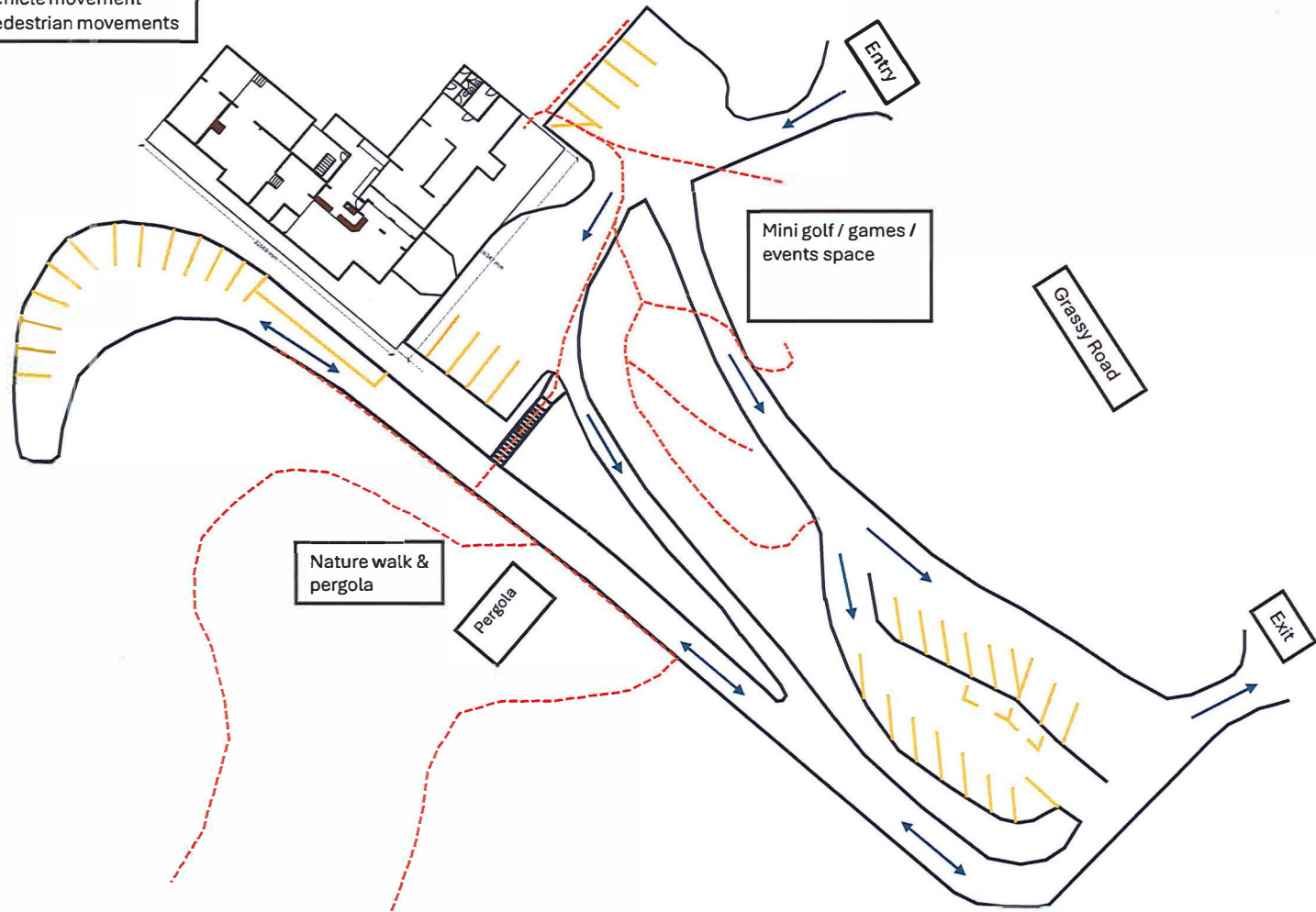


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Approved Plans
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- Vehicle parks
- Vehicle movement
- Pedestrian movements



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NORFOLK ISLAND

APPROVED PLANS

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- Vehicle parks
- Vehicle movement
- Pedestrian movements

