

NORFOLK ISLAND

Regional Council

9 July 2024

S Webber
202/117 Nelson Bay Rd
FERN BAY NSW 2295

Dear Mr Webber

**APPROVAL OF DEVELOPMENT APPLICATION DA.BA 10/2024:
Change of use to Place of Public Worship, Food Premises and Shop
AT Lot: 27 Sec: 27 Por: 35c7(rem) Sh: 72, 3 Grassy 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 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 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, and to minimise any adverse environmental and other impacts associated with the use / development on the property and on adjacent properties.



George Plant
Administrator of Norfolk Island & Commonwealth Minister delegate

Notes:

9th July

Date approved: 2024

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 under that Act in relation to development applications are reviewable decisions. If the Applicant(s) is aggrieved with this decision, application can, in certain circumstances, be made to the Administrative Review Tribunal for a review under the *Administrative Review Tribunal Act 1996 (NI)* or to the Administrative Appeals Tribunal under the *Administrative Appeals Tribunal Act 1975 (Cth)*.

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

DEVELOPMENT APPLICATION NO:	DA.BA 10/2024
APPLICATION MADE BY: (THE APPLICANT)	S Webber
LAND TO BE USED OR DEVELOPED: (SUBJECT LAND)	Portion 35c7(rem, 3 Grassy Road
APPROVED USE OR DEVELOPMENT: (THE DEVELOPMENT)	Change of use to <i>Place of Public Worship, Food Premises and Shop</i>
DECISION:	Approved
DATE OF DECISION:	9 July 2024
DATE THE DEVELOPMENT APPROVAL TAKES EFFECT:	7 August 2024
DATE THE DEVELOPMENT APPROVAL LAPSES:	7 August 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 10/2024 and the stamped approved documentation accompanying this Notice of Decision;
 - b. All relevant requirements in the Norfolk Island Plan for the Mixed Use 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 *Place of Public Worship, Food Premises and Shop*; and the continuation of the existing *Residence - Dwelling House*, in accordance with the Purpose Definitions in the Norfolk Island Plan as follows:

Place of Public Worship

Means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

Food and Drinks Premises - café

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

Shop

Means the Use or Development of Land for the purpose of displaying or offering goods or services for sale by retail or for hire, or the provision of personal services.

Residence – Dwelling House

Means a residential use of premises involving—

- a. *One dwelling for a single household and any domestic non-habitable buildings or structures associated with the dwelling.*

4. 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

5. 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

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 officer of Council.

Dispute resolution

7. 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 STATURORY REQUIREMENTS

Requirement for Building Approval

8. Prior to the use of the subject land and premises for *Place of Public Worship*, *Food Premises* and *Shop*, building approval under the *Building Act 2002 (NI)* must be obtained to recognize the appropriate classes of building and ensure compliance with the Building Code of Australia.

CONDITIONS RELATING TO ENVIRONMENTAL PERFORMANCE AND AMENITY

Consistency with relevant Use and Development Principles

9. 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

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

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

11. 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)*.
12. 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)*.
13. Not later than 30 days following the completion of activities to achieve the change of use to *Place of Public Worship, Food Premises* and *Shop*, 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 10/2024

DATE OF APPROVAL

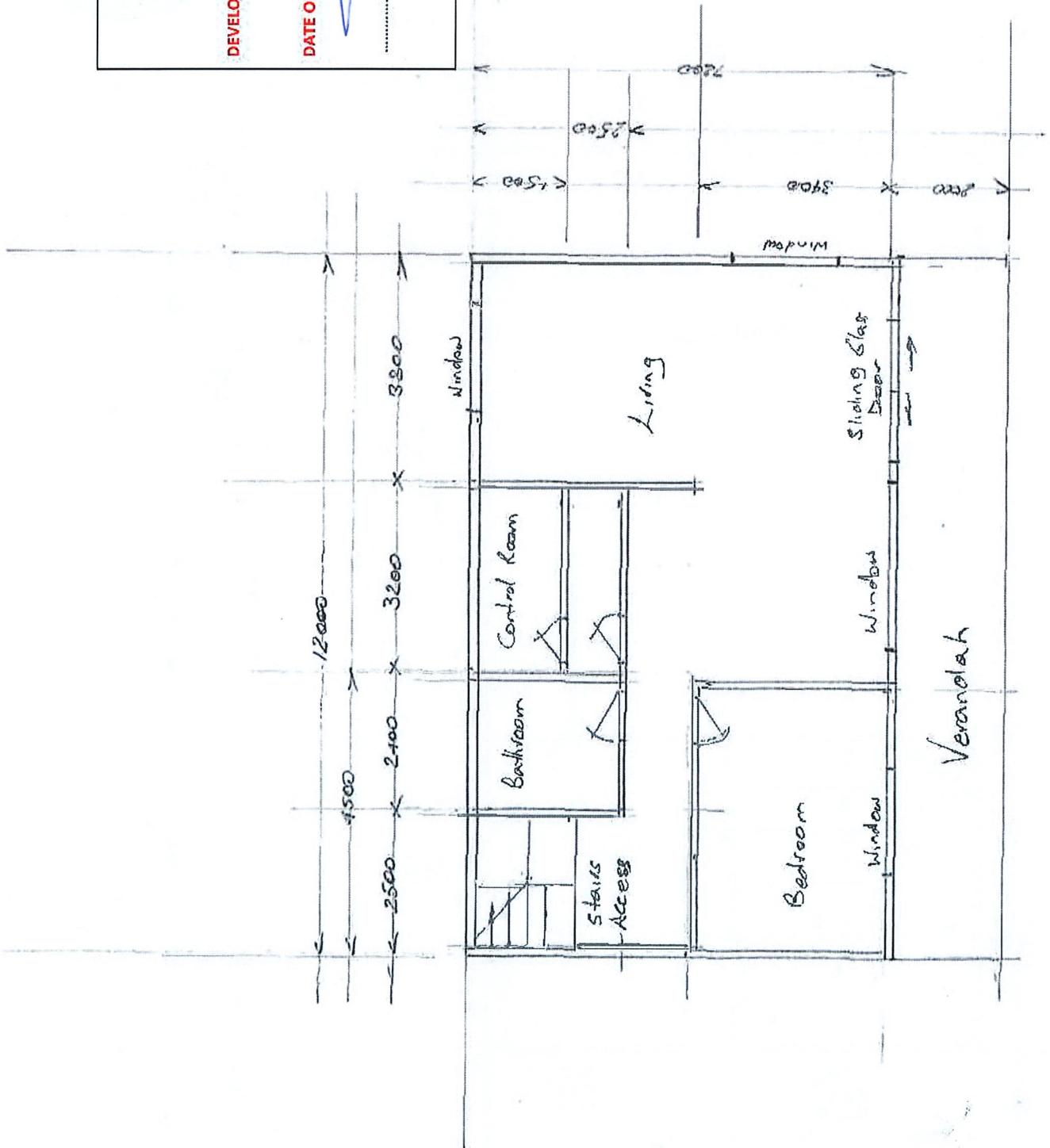
9/7/2024



MINISTER'S DELEGATE



#3 GRASSY ROAD
UPPER RESIDENCE
1:100
SHEET 2 OF 2



NORFOLK ISLAND REGIONAL COUNCIL
APPROVED PLANS AND DOCUMENTS

DEVELOPMENT APPLICATION No. DA.BA 10/2024

DATE OF APPROVAL... 17/12/2024

[Signature]

MINISTER'S DELEGATE

