

## **Portion 49b7 Stockyard Road, Norfolk Island**

**Ancillary Building: Garage, Garden Shed, Storage, Hobby Workshop**

**Addition of Use: Home Industry: Hobby Woodworking Workshop**

### **Statement of Environmental Effects**

24 July 2024



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## Contents

<b>1</b>	Introduction .....	1
<b>2</b>	The Proposal.....	1
2.1	The proposed ancillary building .....	1
2.1.1	Earthworks.....	2
2.1.2	Driveway.....	2
2.1.3	Building.....	2
2.1.4	Infrastructure, services and biodiversity .....	3
2.2	The Home Industry .....	4
2.2.1	Purpose .....	4
2.2.2	Machinery .....	5
2.2.3	Activities .....	5
2.2.4	Operating hours.....	5
2.2.5	Justification for Home Industry .....	6
<b>3</b>	Site Description .....	10
<b>4</b>	Land tenure.....	13
<b>5</b>	Surrounding Land Use .....	13
<b>6</b>	Statutory Considerations .....	14
6.1	The Planning Act 2002 (NI) .....	14
6.2	The Norfolk Island Plan .....	14
6.2.1	The Strategic Plan .....	14
6.2.2	Planning Requirements - Zoning.....	16
6.2.3	Planning Requirements - Overlays.....	18
6.2.4	Planning Requirements - General Provisions .....	18
6.3	Development Control Plans .....	29
6.3.1	Development Control Plan No. 2 – Water Resources.....	29
<b>7</b>	<b>Conclusion</b> .....	<b>31</b>

Attachment A	Plans
Attachment B	Land Title
Attachment C	EIS Waiver advice

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# 1 Introduction

Portion 49b7 Stockyard Road (the subject land) is currently used for residential purposes ('Residence – Dwelling House').

The Proposal is for:

- Addition of a shed building that would be ancillary to the existing residential dwelling house.
- Change of use to add 'Home Industry' to the existing use of 'Residence – Dwelling House'.

The subject land is located in the Rural Residential Zone and is classified under the *Norfolk Island Plan 2002: Housekeeping Amendment 2022* (the Plan) as:

- Shed ancillary to 'Residence – Dwelling House': Permitted use or development.
- Home Industry: Permissible (with consent) use or development.

The Proposal as presented is the desired outcome. Once costs are determined, the building may need to become smaller in scale. This application presents the worst case scenario. If the building became smaller in scale, any potential impacts of the development would also be reduced.

Section 62 of the *Planning Act 2002* (NI) provides that a development approval lapses if the land has not been developed in accordance with the approval within 18 months after the approval is given or at a later date specified in the approval. It is requested that the approval remain current for five years after the approval is given to cater for potential delays such as declining health and consequent impacts to income, poor availability of trades people on the island and uncertainty of freight timings.

This Statement of Environmental Effects supplements the Development Application / Building Application for the Proposal.

## 2 The Proposal

The Proposal is for:

- Addition of a shed building that would be ancillary to the existing residential dwelling house. The building would include a garage, garden shed, storage area, woodworking area and toilet / handwashing facilities.
- Change of use to add 'Home Industry' to the existing use of 'Residence – Dwelling House'. The proposed 'Home Industry' would be a small hobby woodworking business that would be operated by the Applicant from within the proposed shed.

To create a level building pad for the proposed building, earthworks of about 150 cubic metres may be required.

### 2.1 The proposed ancillary building

The only existing building that is ancillary to the existing residential dwelling house is a carport which is freestanding and open on all sides.

The proposed shed building would provide the residents of the dwelling house with secure enclosed storage for personal possessions including, but not limited to: household chattels; sporting equipment; garden tools, equipment and machinery; hobby woodworking equipment; and vehicles.

A toilet has been included in the building for convenience purposes.

Due to the topography of the site, a dedicated water tank and possibly a dedicated sewage holding tank would be installed at the shed building site to prevent the need for installation of extensive pipework through the valley on the subject land.

The Site Plan, Floor Plan, Elevations and Earthworks Plan for the proposed building are provided at **Attachment A**.

### **2.1.1 Earthworks**

To create a level building pad for the proposed building, earthworks of about 150 cubic metres may be required.

The proposed shed building would be located in one corner of the subject land. This corner of the subject land has been excavated in the past to create some flat land bounded on two sides by elevated earth banks.

The Proposal would utilise this area of flat land, but further earthworks would be required to create a level building pad large enough to accommodate the proposed building.

The existing earth banks on the north-west and the south-west sides of the proposed building site would be cut further to create a suitable flat building pad. The cut soil would be temporarily stockpiled on-site for re-use as part of the Proposal.

The lower level of the proposed building would be constructed with concrete block walls. These concrete block walls would be dual purpose, doubling as both shed walls and retaining walls for the earth banks.

Once the concrete walls are constructed, the cut soil would be used to fill between the earth banks and the concrete block walls on two sides of the building, and level the surrounding ground.

It is expected that the proposed earthworks would be zero balance, comprising about 150 cubic metres of cut, with the same soil to be used as 150 cubic metres of fill. No material would be exported from, or imported onto, the subject land.

Refer to the Earthworks Plan at **Attachment A**.

### **2.1.2 Driveway**

The driveway to the proposed building site is an existing grass track. The only work required to improve accessibility along this driveway is mowing and the trimming back of woody weed regrowth along the driveway edges.

### **2.1.3 Building**

Building work that would be required includes:

- Earthworks to create the building pad.
- Construction of the proposed building. The proposed building includes concrete block wall which would double as retaining walls for the earthworks.
- Trimming of the edges of the existing driveway to the building site which is currently overgrown.
- Installation of 3 phase power to the building site.
- Replacement of the existing sewage treatment system and soakage trench with either an Aerated Wastewater Treatment System or a sewage holding tank (pump out).
- Installation of an additional sewage holding tank at the shed building – indicative location shown in the Site Plan at **Attachment A** OR plumbing of the shed into the main sewage treatment system
- Installation of an additional 3,000 gallon water tank at the shed building – indicative location shown in the Site Plan at **Attachment A**.

## **2.1.4 Infrastructure, services and biodiversity**

### **2.1.4.1 Water Supply**

There is 25,000 gallons of existing water storage on the subject land. Should the Proposal proceed the total roof collection area (existing plus proposed) would be 408 square metres.

Norfolk Island Regional Council (NIRC) Public Health and Environment was consulted about water requirements for the Proposal in March 2024.

NIRC's response was that the existing water storage and roof area are compliant with *Development Control Plan No. 2 – Water I* requirements for water supply.

Notwithstanding, an additional 3,000 gallon water tank would be installed at the shed building site as a water supply for the shed. Overflow from this tank could be diverted to the main water tank via the dwelling house roof.

### **2.1.4.2 Sewage**

The existing house on the subject land is connected to a sewage treatment system with a soakage trench.

NIRC Public Health and Environment was consulted about sewage requirements for the Proposal in March 2024.

NIRC's response was that the existing septic system is not compliant with *Development Control Plan No. 2 – Water Resources* for sewage treatment and that one of the following two options must be implemented:

- Decommission the existing septic system and replace it with an Aerated Wastewater Treatment System with irrigation.
- Convert the existing septic system into a holding tank.

One of these options would be installed prior to the commencement of operation of the Proposal.

In addition, a sewage holding tank (pump out) may be installed at the shed building site to collect sewage from the shed toilet if plumbing the shed into the sewage treatment system for the dwelling house is not viable due to distance / topography.

### **2.1.4.3 Electricity**

The existing house in the subject land is powered with single phase power. The proposed building would be powered with three phase power as this is the power supply requirement of the hobby woodworking machines already owned by the Applicant.

NIRC Electricity was consulted about electricity requirements for the Proposal in March 2024.

NIRC Electricity has completed the required network studies and has approved the 'Application for Supply of Electricity' for installation of 3-phase power to the proposed shed building.

NIRC Electricity has also advised that:

- The machinery operated as stated in the DA (maximum of two machines at a time) would not impose an unreasonable load on the electricity network in the local area.
- 3-phase power is common for residential properties and is preferred by NIRC electricity as it spreads electricity loads more evenly than single phase power.

#### **2.1.4.4 Telecommunications**

There is a telephone landline connected at the existing residence. No additional telephone line would be required as a result of the Proposal.

Even though additional telecommunications would not be required for the Proposal, NIRC Telecom was consulted about telecommunications requirements for the Proposal in March 2024.

NIRC's response was that Telecom has no issues with the Proposal.

#### **2.1.4.5 Public Works**

No changes to the existing driveway access to Portion 49b7 would be required as a result of the Proposal.

NIRC Public Works was consulted about and other requirements for the Proposal in April 2024.

NIRC's response was that Public Works has no issues with the Proposal.

#### **2.1.4.6 Emergency Services**

NIRC Emergency Services was consulted about emergency requirements for the Proposal in April 2024.

Due to an ongoing protected industrial action by the employees of the Norfolk Island Fire Service, the Norfolk Island Fire Service is not processing development application sign offs for an indefinite period of time.

Consultation with NIRC Emergency Services was consulted as a matter of courtesy. No input was expected because:

- The existing entrance to the subject land would be unaltered and access for emergency vehicles would not be changed.
- The driveway to the proposed shed building is able to be trimmed back to provide sufficient access for emergency vehicles. It is not considered that any additional works would be required.
- The Proposal is for a development ancillary and subservient to the existing residential dwelling house.
- The proposed shed building would not be accessible to the public.

#### **2.1.4.7 Biodiversity**

The NIRC Biodiversity Team Leader was consulted about biodiversity requirements for the Proposal in April 2024.

NIRC's did not have any comments on, or requirements for, the Proposal.

## **2.2 The Home Industry**

The Proposal includes a change of use of the subject land to add 'Home Industry' to the existing use of 'Residence – Dwelling House', This would enable the hobby woodworking area of the proposed ancillary shed building to be used to make products for sale, in addition to the undertaking of a personal non-commercial hobby.

### **2.2.1 Purpose**

The Applicant, who is a resident of the dwelling on the subject land, is semi-retired and wants to operate a small scale part time hobby woodworking business from his home.



Some of the pieces that would be made in the proposed woodworking space would be for personal purposes, but the Applicant would also like the opportunity to be able to sell some of his product if desired.

### **2.2.2 Machinery**

The woodworking machinery that would be used is all hobby machinery which runs on three phase power. The noise output of the noisiest machine is 50dBA (measured with a noise metre when the machine is running).

### **2.2.3 Activities**

The key outputs of the Home Industry would be items such as:

- Doors.
- Windows.
- Stairs.
- Furniture.

The key inputs would be:

- Raw undressed timbers.
- Manufactured boards such as plywood and particle board.

Key processes would include:

- Timber preparation:
  - Docking Saw to cut rough lengths.
  - Planer to flatten and smooth rough surfaces.
  - Thicknesser to gauge timbers to exact dimensions. The Thicknesser is the loudest machine.
  - Panel Saw / Drop Saw to cut timber to exact size. The Panel Saw is the most frequently used machine.
- Assembly:
  - About 75 percent of any hobby woodworking business is assembly / hand finishing which does not generate noise.

The quantity and size of outputs would be limited by:

- Only one person (resident) working part time in the Home Industry business.
- Space restriction.

Operation of the proposed 'Home Industry' by one part time worker means that operational times are reduced and generally only one machine would be operating at a time.

Space limitations mean that only one project would be undertaken at any one time.

### **2.2.4 Operating hours**

Proposed 'Home Industry' operating hours are expected to be an average of about 20 hours, or three equivalent days, per week (annual pro rata). No work would be undertaken on Saturdays, Sundays and Public Holidays

## 2.2.5 Justification for Home Industry

### 2.2.5.1 Why the Proposal is for Home Industry

The *Norfolk Island Plan 2002: Housekeeping Amendment 2022* (the Plan) defines Home Industry as:

*“Use or Development of Land for any Industry, trade, business, occupation or profession carried on, in or under a residence or within the curtilage of a residence, where such industry, trade, business, occupation or profession:*

- (a) In addition to the residents not more than one full time equivalent employee is engaged in the business.*
- (b) Does not impose a load on any public utility undertaking greater than that which is reasonably required for the predominant Use, existing or likely, in the immediate locality.*
- (c) Does not interfere with the amenity of the neighborhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, wastewater, waste products, radio or electrical interference or otherwise.*
- (d) The conduct of which does not comply with the provisions of a Home Occupation as separately defined in this section.’*

Compliance with this definition is provide in **Table 1**.

**Table 1: Compliance with use definition for Home Industry**

Requirement	Compliant	Comment
Industry, trade, business, occupation or profession carried on, in or under a residence or within the curtilage of a residence.	✓	<p>The proposed Home Industry would be a hobby woodworking business.</p> <p>It would be carried out inside a shed that is ancillary to the residential dwelling house on the subject land. One area of this shed would be allocated to the ‘Home Industry’. The remainder would be used for residential purposes.</p> <p>The proposed hobby woodworking space would be:</p> <ul style="list-style-type: none"> <li>• 34 percent of the gross floor area of the shed.</li> <li>• 10 percent of the gross floor area of all residential buildings on the subject land.</li> </ul>
In addition to the residents not more than one full time equivalent employee is engaged in the business.	✓	<p>Only the Applicant, who is resident on the subject land, would operate in the hobby woodworking business. No other person would be employed at any time. Additionally, the Applicant is semi-retired and is not intending to work full time as stated in <b>Section 2.2.3</b>.</p>
Does not impose a load on any public utility undertaking greater than that which is reasonably required for the predominant Use, existing or likely, in the immediate locality.	✓	<p>NIRC Electricity has confirmed that the proposed Home Industry would not impose a load on the electricity network greater than that which is reasonably required for the predominant use (residential), existing or likely, in the immediate locality.</p> <p>The Proposed Home Industry would not increase or decrease utilisation of any other public utility undertaking (refer <b>Section 2.1.4</b>)</p>

Requirement	Compliant	Comment
<p>Does not interfere with the amenity of the neighborhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, wastewater, waste products, radio or electrical interference or otherwise.</p>	✓	<p>The operation of the proposed Home Industry would generate noise, dust and waste products such as wood offcuts. All these emissions would be intermittent and would be managed as follows:</p> <ul style="list-style-type: none"> <li>• Noise: Any woodworking machine generates noise. The woodworking space within the proposed shed has been sized in order to enable the longest possible piece of timber (six metres long) to be machined inside the shed with the doors closed (a drawing showing how this works is provided at <b>Attachment A</b> – Indicative Plan Showing 3-Phase Machine Locations). This would provide noise protection in addition to enabling work to be undertaken inside in wet weather. The proposed shed walls would be partially constructed with concrete blocks which primarily act as a retaining wall for the surrounding earth banks, but as a side benefit would provide additional noise buffering. The ground level (up to three metres high) of the proposed shed building would be lower than the surrounding earth banks to the north-west and the south-west, providing even further noise attenuation.</li> <li>• Dust / wood offcuts: All dust / wood offcuts generated would be contained within the shed and collected for disposal at the Waste Management Centre.</li> </ul>
<p>The conduct of which does not comply with the provisions of a Home Occupation as separately defined in this section.</p> <p>The definition of Home Occupation is: <i>Use or Development of Land for any Industry, trade, business, occupation or profession carried on, in or under a residence, or within the curtilage of a residence, where such industry, trade, business, occupation or profession:</i></p> <p>(a) <i>Does not involve the employment of persons other than the residents of the dwelling; and</i></p> <p>(b) <i>Does not involve the use, whether temporarily or otherwise, of more than one-third of the total Gross Floor Area of the residence or 30 square metres of the Gross Floor Area of the residence, whichever is the lesser; and</i></p> <p>(c) <i>In the particular case in the ordinary course does not impose a load on any public utility undertaking greater than that which is reasonably required for the predominant Use, existing or likely, in the immediate locality; and</i></p> <p>(d) <i>In the ordinary course does not interfere with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, wastewater, waste products, radio or electrical interference or otherwise; and</i></p> <p>(e) <i>Does not involve the exhibition of any notice, advertisement or sign other than a notice or</i></p>	✓	<p>The proposed hobby woodworking space would comply with five of the seven requirements for Home Occupation. It would:</p> <ul style="list-style-type: none"> <li>• Not employ any person other than one resident of the dwelling.</li> <li>• Not impose a load on any public utility undertaking greater than what is reasonable required for the predominant use, existing or likely on the immediate locality (it is assumed that this is residential use despite the two industries in the immediate vicinity).</li> <li>• Not, in the ordinary course, interfere with the amenity of the neighbourhood.</li> <li>• Not involve the exhibition of any notice, advertisement or sign.</li> <li>• Not result in any vehicles or any number of vehicle movements on any road in the locality, which is or could be reasonably expected to be generated by other residential development in that locality.</li> </ul> <p>The two requirements that it would not comply with are:</p> <ul style="list-style-type: none"> <li>• Use of more than one third of the total Gross Floor Area of the residence or 30 square metres of the Gross Floor Area of the residence which ever is the lesser.</li> </ul>

Requirement	Compliant	Comment
<p><i>Sign exhibited on the residence or on some other part of the premises used for or in connection with that occupation to indicate the name of the persons carrying on the occupation or the name under which the occupation is being carried on, with or without an indication of the occupation; and</i></p> <p><i>(f) Does not involve or result in vehicles traversing any Road in the locality or a number of vehicle movements on any such Road in excess of that which is or could be reasonably expected to be generated by other residential development in that locality during any particular period of time; and</i></p> <p><i>(g) Is not a Home Industry.</i></p>		<ul style="list-style-type: none"> <li>The total Gross Floor Area of the existing and proposed residential buildings on the subject land would be 848.3 m<sup>2</sup> including: <ul style="list-style-type: none"> <li>- House (three levels): 375 m<sup>2</sup>.</li> <li>- House (covered verandahs and decks): 163 m<sup>2</sup>.</li> <li>- Ancillary carport: 58.3 m<sup>2</sup>.</li> <li>- Proposed ancillary building: 252 m<sup>2</sup>.</li> </ul> </li> <li>The proposed 'Home Industry' (84.5 square metres) would only use 10 percent of the total Gross Floor Area of the existing and proposed residential buildings on the subject land. However, it would use greater than 30 square metres. An area of greater than 30 square metres is required due to the area required to feed six metre lengths of timber into and out of woodworking machines with the shed door closed. This does not mean the machines are industrial, or that the work is high intensity. It is simply a space requirement. Notwithstanding, this prevents the Proposal being classified as 'Home Occupation' and elevates it into the 'Home Industry' classification.</li> <li>The requirement for a space that is greater than 30 square metres creates a non-compliance with the final requirement of 'Home Occupation' – that the proposal is not a 'Home Industry'.</li> </ul>

It is demonstrated in **Table 1** that due to space requirement only, the proposed woodworking business is not classified as a 'Home Occupation'. It also demonstrates that the proposed woodworking business would be classified as a 'Home Occupation' based on intensity, should the operational space requirements not be there.

**Conclusion:** The proposed woodworking business is for a small scale and low intensity commercial activity that would be operated from within a residential building, would be subservient to the primary use of the subject land as 'Residence – Dwelling House' and complies with the definition of 'Home Industry'.

### 2.2.5.2 Why the Proposal is not for Light Industry

In pre- DA consultations with Council, Council asked for a justification as to why the Proposed woodworking business is a 'Home Industry' and is not a 'Light Industry (Joinery)'.

The Plan defines 'Home Industry' as: *Use or Development of Land which:*

- (a) *Does not, in the opinion of the Council, impose a load on any existing or proposed public utility undertaking greater than that which is required for the normal development of the locality in which the industry is carried on;*
- (b) *Does not, in the opinion of the Council, by reason of the carriage of goods or materials used or produced thereby create traffic upon public Roads in the locality in which the industry is carried on, which causes congestion or danger to users of such Roads or requires Roads of a higher standard of construction than those required for the normal development of the locality in which the industry is carried on; and*
- (c) *Does not, in the opinion of the Administration, have a detrimental effect on the amenity of the environs by causing environmental harm or be likely to cause undue disturbance and/or annoyance to persons or affect property not connected with the industry by reason of smoke, fumes, noise, waste products, the presence of vermin, the creation of electrical interference, or other hazards.*

Whilst the proposed woodworking business technically complies with this definition (in that it would not exceed any condition of the 'Light Industry' definition), the allowable scale and intensity for 'Light Industry' is much greater than the proposed woodworking business would require. The proposed woodworking business complies with the definition of 'Home Industry', and would comply with the lesser classification of 'Home Occupation', if it were not for the operational space requirements that are greater than 30 square metres.

Additional examples of why the Proposal is not considered to be a 'Light Industry (Joinery)' include:

- Commercial outputs of the Proposal would be smaller items such as: doors, windows, stairs and furniture. 'Light Industry (Joinery)' has capability to complete larger scale projects such as house builds and large kitchens.
  - Space availability and staffing levels dictate how many jobs can be undertaken at any point in time:
    - Space availability – The space dedicated to the proposed Home Industry is 84.5 square metres. In comparison, the floor area of 'Light Industry (Joinery)' on the island are:
      - JCB Cabinets joinery - 380 square metres.
      - Island Cabinets joinery - 330 square metres.
      - Cascade Joinery - 412 square metres.
- The proposed 'Home Industry' has the physical space to undertake one small project at a time. Joineries are larger and are able to undertake multiple large projects at a time.
- Staffing levels - The Proposal would have one employee (resident) working an equivalent three days per week (annual pro rata), whereas the joineries on the island are larger and are able to have multiple employees.
- The proposed 'Home Industry' would be located within the curtilage of the residential dwelling house on the subject land and would be contained within a building that is ancillary to the residential dwelling house. The joineries on the island are not located within the curtilage of a residence.
  - The woodworking machines that would be utilised should the proposed 'Home Industry' proceed are hobby machines. These machines are significantly smaller than the industrial machines used in joineries and do not have the same output capability. An example of an industrial machine versus the equivalent hobby machine is shown in **Figure 1**.



Industrial



Hobby (Applicant's machine)

Figure 1: Industrial panel saw versus Hobby panel saw

### 3 Site Description

The subject land is located in the Rural Residential Zone on the eastern side of Norfolk Island. It has full frontage to Stockyard Road. The subject land, as identified in the Official Survey of Norfolk Island is shown in Figure 2.



Figure 2: Portion 49b7 as shown on the Official Survey of Norfolk Island - Survey sheet 9

The subject land is 8,000 square metres in area. This is equal to the minimum lot size in the Rural Residential Zone and the land cannot be subdivided.

The land generally slopes from the front to the rear of the subject land. Some areas of the subject land have been filled to create limited flat areas around the carport and the rear of the house.

The dwelling house has been built into the slope and is two levels at the front, and three levels at the rear. The dwelling house is about 10 metres lower than the proposed building site.

The land has been cleared. The areas around the existing dwelling house and carport are predominantly landscaped and include native tree plantings. Areas further from the house, including the site for the proposed shed building, are dominated by exotic weed and woody weed species.

Existing improvements to the site include:

- Dwelling house (three level house).
- Freestanding carport.
- Cattle stop.
- Concrete driveway (tracks) to the existing carport and dwelling house.
- Access track to proposed building site.
- 20,000 gallon water tank.
- 5,000 gallon water tank.
- Septic treatment system and soakage trench.
- Boundary fencing along the north-western (front) boundary and the north-eastern (side) boundary.

The locations of these improvements are shown in **Figure 2** and the Site Plan at **Attachment A**.

The building site was selected for the following reasons:

- The existing excavation at this location can be improved to make it flat. No fill would be placed on the flat section making it suitable for installation of a concrete slab (unlike the other flat areas on the subject land).
- The site is surrounded on two sides by earth banks providing natural noise attenuation and reduced visual impact.
- No native trees or other native vegetation would need to be removed.
- There is no existing infrastructure in this location.



Figure 2: The subject land





Whilst the surrounding land use is primarily residential there are two industrial developments operating in the immediate area:

- Island Industries Rock Crusher: On Stockyard Road adjoining the subject land.
- The Block Factory: On Stockyard Road about 180 metres north of the subject land.

## 6 Statutory Considerations

### 6.1 The Planning Act 2002 (NI)

Clause 27 and Schedule 1 of the *Planning Regulation 2004 (NI)* provide that “Filling (more than 50 cubic metres of material)” is a prescribed use or development. Section 45(4) of the *Planning Act 2002 (NI)* provides that a development application for prescribed use or development must be accompanied by an environmental impact statement.

Section 34(3)(a) of the *Planning Act 2002 (NI)* provides that the Chief Executive Officer (CEO) (in this case the General Manager of NIRC) may, if the CEO thinks it is reasonable in the circumstances, waive the requirement for the environmental impact statement.

A request to the NIRC General Manager to waive the requirement for an environmental impact statement was made on 11 June 2024. The waiver was granted on 24 July 2024 and a copy of the waiver is provide at **Attachment C**.

### 6.2 The Norfolk Island Plan

The key document controlling land use and development on Norfolk Island is the *Norfolk Island Plan 2002 Housekeeping Amendment 2022 (the Plan)*. The Plan has two key sections:

- Part A - Strategic Plan.
- Part B - Planning Requirements.

Relevant provisions of the Plan are addressed below.

#### 6.2.1 The Strategic Plan

The purpose of Part A of the Plan (the Strategic Plan) is to guide the Norfolk Island Government’s decisions on development applications and to serve as a basis for amendments to Part B of the Plan (Planning Requirements including Zoning Scheme, Overlays and General Provisions).

Under the Strategic Plan, the subject land is included in an area where the preferred dominant land use is ‘Semi Rural’.

Land identified as having a preferred dominant land use of Semi-Rural is characterised by rural use and development and is intended to provide a frame around the urban area and in the long term to provide the transition area from the urban areas to the areas with High Rural/Conservation Value. The permitted use or development types in the Semi-Rural Preferred Dominant Land Use area are for rural residential use or development or are urban or semi-rural in nature and require larger amounts of land and are best suited in an area with a rural or semi-rural character.

The character of the Semi-Rural Preferred Dominant Land Use area should be predominantly rural. The scale and intensity of use or development in the Semi-Rural Preferred Dominant Land Use area are not appropriately part of the principles and objectives of the High Rural/Conservation Value Preferred Dominant Land Use area.

The relevant objectives of the Semi-Rural Preferred Dominant Land Use area to:

- (a) Provide opportunities for rural residential use or development in a rural or natural setting with an acceptance of medium and smaller sized lots.
- (b) Maintain the existing rural character of much of Norfolk Island and to provide opportunities for appropriate non-agricultural use or development.
- (c) Promote small-scale rural and rural support uses or developments.
- (d) Enable use of rural and semi-rural land for low density residential purposes where that land has lost its intrinsic agricultural viability.
- (e) Provide opportunities for a limited range of appropriate low intensity and low impact use or development within areas that have natural, cultural and heritage values.
- (f) Retain and enhance the open space, vegetation communities and wildlife habitat that is vital to life systems on Norfolk Island.
- (g) Provide land that may buffer certain incompatible uses.
- (h) Protect and preserve land for existing and future public and government use or development.

When assessed against the objectives of the Semi-rural Preferred Dominant Land Use, the Proposal is consistent with the following objectives:

- Provide opportunities for rural residential use or development in a rural or natural setting with an acceptance of medium and smaller sized parcels of land – The Proposal would result in improvements to the existing residential dwelling house (ancillary and subservient). It would increase the livability of the development for the existing residents.
- Maintain the existing rural character of much of Norfolk Island and provide opportunities for appropriate non-agricultural use or development – The Proposal would not adversely impact the existing character of the subject land, the street or the area. The proposed shed building would be bounded by vegetated earth banks on two sides which would reduce the visibility of the building from Stockyard Road and from surrounding properties. The Proposal has also been designed to provide maximum noise attenuation. This does not mean the proposed woodworking business would be high intensity, it simply reflects that woodworking machines emit noise any time they are turned on and the Applicant is considerate of his neighbours, and of the semi-rural character of the area. The Proposal is considered to be an appropriate non-agricultural use of the subject land.
- Enable use of rural and semi-rural land for low density residential purposes where that land has lost its intrinsic agricultural viability –The subject land is currently used for low density residential purposes ('Residence – Dwelling House') and has limited or no agricultural viability due to the size of the land, the existing use and development, and the topography of the land. The Proposal is limited to development that is ancillary and subservient to the existing residential use, and would not increase the density of residential development.
- Provide land that may buffer certain incompatible uses – Woodworking is by nature a noisy activity. The site for the proposed shed would be bounded by vegetated earth banks on two sides providing noise attenuation as described above. Independent of the intensity of woodwork in activity, this would minimise any potential impact on nearby properties.

The remaining objectives are not relevant to the Proposal.

**Conclusion** – The Proposal is consistent with the purpose and relevant objectives of the Semi-rural Preferred Dominant Land Use.

## 6.2.2 Planning Requirements - Zoning

Part B1 of the Plan outlines the zoning scheme for Norfolk Island. The subject land is located in the Rural Residential Zone where 'Residence – Dwelling House' is Permitted use and development and 'Home Industry' is Permissible (with consent) use or development.

### 6.2.2.1 Intent, Objectives and Guidelines for the Rural Residential Zone

The intent of the Rural Residential Zone is to:

- (a) Provide opportunities for primarily rural residential use or development in a rural or natural setting, where that use or development is located on lots that are large enough to support small scale rural.
- (b) Retain the pattern of low-density semi-rural land use and retain the sub-division pattern that has resulted in a predominance of medium and smaller sized lots.

The objectives and guidelines for the Rural Residential Zone are:

- (a) Provide opportunities for rural residential development in a rural or natural setting.
- (b) Design subdivision in a manner that enables the maintenance of an informal rural character. Formation of a pattern of regular sized lots that front roads in a ribbon development will be discouraged. Variations in the size of lots and the use of variations in setbacks between dwellings should be encouraged.
- (c) That each lot created must be sufficient to contain appropriate on-site wastewater management systems and water storage facilities that comply with the development control plan for the management of water resources.
- (d) Encourage use or development within the zone so that the existing landscape quality and visual amenity is maintained and enhanced.
- (e) Encourage use or development that is low in intensity to maintain and protect biodiversity by preserving remnant vegetation and habitat.

The Proposal would be compliant with the intent and the relevant objectives and guidelines for the Rural Residential Zone as follows:

- The Proposal is for a use and development that is ancillary and subservient to an existing use of 'Residence - Dwelling House'. Use as 'Residence – Dwelling House' is a permitted use in the Rural Residential Zone. Uses that are allowed in the Rural Residential Zone are limited to those that are generally consistent with the intent, objectives and guidelines of the zone.
- The Proposal does not involve subdivision and would not result in any modification to the existing subdivision pattern.
- On-site wastewater management systems and water storage facilities would be improved to comply with the more stringent requirement of the current *Development Control Plan No. 2 - Water Resources* (refer to **Section 2.1.4.1** and **Section 2.1.4.2**).
- There are no native vegetation communities, remnant vegetation or wildlife habitat on the area of the subject land that would be impacted by the Proposal. Only exotic weeds and woody weed species would be removed. The improvement of the site would contribute to the visual amenity of the subject land.

The remaining objectives and guidelines are not relevant to the Proposal.

**Conclusion** - The Proposal is consistent with the intent and relevant objectives and guidelines of the Rural Residential Zone.

### 6.2.2.2 Development Standards for the Rural Residential Zone

The development standards for the Rural Residential Zone are addressed in **Table 2**.

**Table 2 Development standards for the Rural Residential Zone**

Development Standard	Proposal Complies	Comment
The maximum height of buildings must be 9 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographical or other justified purposes.	✓	Maximum building height of the proposed building would not exceed 9 metres in height. The proposed building would be 8.350 metres above finished ground level at the highest point (above the mezzanine). Other sections of the building would be 5.1 and 3.0 metres above finished ground level.
Habitable buildings should be sited and designed and oriented to achieve energy efficiency.	N/A	Not applicable. The proposed building would not be habitable.
Buildings must be setback a minimum distance of 10 metres from the front boundary and 3.6 metres from all other boundaries. Buildings must not project above a 45 degree line (from horizontal) as measured from any property boundary into the property upon which the building is situated.	✓	The proposed building would be setback at least 10 metres from the front boundary and at least 3.6 metres from the nearest (western) side boundary.  Distances to other boundaries exceed 50 metres.
Setback requirements may be varied pursuant to the provisions of clause 6 and giving consideration to:  (i) the particular size, shape, contours, or slope of both the land and the adjoining land;  (ii) the adjoining land and uses and zone(s);  (iii) the position of existing buildings and setbacks in the immediate area; and  (iv) any representations received as a result of notification under section 43 of the Act.	N/A	Not applicable. No variation to the setback requirements are proposed.
The roof areas of buildings must be finished with non-reflective materials and colours that harmonise with the natural landscape.	✓	The roof of the proposed building would be Colourbond Trimdeck coloured Wallaby. This roofing is non-reflective and an earthy natural colour,
The external walls, paving, and other large surface areas of buildings must be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially and permanently screened by landscaping.	✓	The external walls of the building would be a mixture of cement block and timber cladding (Shadowclad, or similar). The shed doors would be either timber (painted a concrete like colour or similar) or colourbond (Monument or similar).  These finishes would all be non-reflective and a coloured to harmonise with the natural landscape.
All use or development must comply with relevant environmental standards specified in the applicable environmental planning and land management codes.	✓	Compliant with relevant environmental standards in the Plan and <i>Development Control Plan No. 2 - Water Resources</i> – Refer to <b>Sections 6.2.1 and 6.2.2</b>
Use or development for the purposes of a Residence – Accommodation Units, Residence – Dual Occupancy, Residence – Multiple Dwelling, or Residence – Retirement Village and Tourist Park must comply with the development control plan for multi-units.	N/A	Not applicable.

**Conclusion** – The Proposal would comply with the relevant development standards for the Rural Residential Zone.

### **6.2.3 Planning Requirements - Overlays**

Part B2 of the Plan provides a series of 'Overlay' maps that identify areas that are of special significance, value, or sensitivity. These areas are:

- Coastal environment and buffer area.
- Heritage.
- Kingston and Arthur's Vale Heritage Area.
- Obstacle limitation surfaces.

No Overlay applies to the subject land.

### **6.2.4 Planning Requirements - General Provisions**

#### **6.2.4.1 Use and Development Principles**

Part B3 – General Provisions of the Plan provides a set of Use and Development Principles that must be considered when assessing a development application.

The Use and Development Principles that are relevant to the Proposal are detailed and addressed in **Table 3**.

**Table 3 Use and development principles**

Principle	Response
<b>Use</b>	
<p>Use or development must not unreasonably impact on any existing or intended future use or development of neighbouring land.</p>	<p>The subject land is adjacent to land used for the following purposes: Island Industries Rock Crushing, future residential purposes (owned by the Applicant), shed. It is across the road from land used for residential purposes.</p> <p>The Proposal is for a residential shed building with an internal space for a hobby woodworking 'Home Industry' that would be ancillary and subservient to the existing residential use of the subject land. The Proposal has been designed to minimise impacts on the amenity of the surrounding land.</p> <p>It is not expected the Proposal would have an adverse impact on the existing or intended future use or development of neighbouring land.</p>
<p>All land must be protected from encroachment by incompatible use or development.</p>	<p>The Proposal is both permitted ('Residence - Dwelling House') and permissible (with consent) ('Home Industry') in the Rural Residential Zone and is compatible with the intent, objectives and guidelines for the zone and for neighbouring land.</p>
<p>Industries must be appropriately located, sited, and designed to limit any detrimental effects on neighbouring land use or development, particularly in respect of atmospheric emissions, solid waste disposal and water pollution, soil erosion, noise, dust, or visual quality.</p>	<p>Not Applicable. The Proposal is not for industry.</p>
<b>Character</b>	
<p>Use or development must adequately respect the character of, and future intentions for, the area in which it is to be located.</p>	<p>The subject land is located in the Semi-rural Preferred Dominant Land Use Area and the Rural Residential Zone. The proposed uses of 'Residence – Dwelling House' and 'Home Industry' are both consistent with the intent and relevant objectives of the Semi-rural Preferred Dominant Land Use and the intent and relevant objectives and guidelines for the Rural Residential Zone as outlined in <b>Section 7.1.1</b> and <b>Section 7.1.2</b>.</p> <p>Despite being located on land adjoining a rock crushing industry, the Proposal has been designed to minimise impacts on the amenity of the surrounding land and would adequately respect the character of, and future intentions for the Semi-rural Preferred Dominant Land Use and the Rural Residential Zone.</p>

Principle	Response
<p>Use or development (including public facilities, utilities and services) must adequately respect the surrounding streetscape and neighbouring use or development, particularly in relation to scale, setbacks, form (including roof shape and pitch), landscaping, materials, colours and fencing.</p>	<p>The proposed building site is located in a cutting and is significantly lower than the adjacent Stockyard Road.</p> <p>This would minimise the visual impact of the size and scale of the proposed building. The building would be further screened from surrounding land uses by existing vegetation along the Stockyard Road boundary.</p> <p>Exterior materials would be timber, Colourbond steel and concrete blocks and all exterior materials would be neutral in colour and non-reflective.</p>
<p>Landscaping of use or development must be of a type, form, variety(s) and character which is suited to the intention of the zone, the area and the nature of the use or development.</p>	<p>The proposed building site is vegetated with woody and other noxious weeds. The weeds in proximity of the proposed building site would be removed and the site contoured and grassed.</p>
<p>Where trees are an important element in the landscape or streetscape character of an area they should be retained.</p>	<p>Not applicable. No native or significant trees would be removed.</p>
<p>Signs shall be consistent in type, scale and location, and be in keeping with the intention of the zone, the streetscape, and the building or structure on which they are positioned or to which they otherwise relate.</p>	<p>Not applicable. No signage is proposed.</p>
<p>Forestry use or development, particularly plantations, must be appropriately sited and planned to protect the visual quality and character of the surrounding landscape and to protect important viewing locations and viewsheds in particular.</p>	<p>Not applicable. Relevant to forestry only.</p>
Amenity	
<p>Use or development must accord all existing and/or future occupiers with adequate and reasonable levels of amenity, especially in relation to privacy, sunlight, aspect, views and noise disturbance.</p>	<p>Not applicable. The Proposal is not for a habitable building.</p>
<p>Dwellings must provide an adequate amount and appropriate type of private open space, to meet the expected lifestyle requirements of occupants. Such private open space shall provide adequate privacy, be exposed to reasonable levels of sunshine and directly accessible from the dwelling to which it belongs.</p>	<p>Not applicable. The Proposal is not for a habitable building.</p>



Principle	Response
<p><b>Environment</b></p> <p>Proposals for use or development must demonstrate how that use or development will not harm and/or degrade the ecology and environment of Norfolk Island.</p>	<p>The subject land has already been developed for residential purposes. Potential environmental impacts are described below.</p> <p><b>CONSTRUCTION</b></p> <p><b>Vegetation</b></p> <p>Extensive earthworks have previously been undertaken at the proposed building site, and it has revegetated with noxious weed species including, but not limited to, African Olive, Tobacco Bush, Hawaiian Holly, Cherry Guava, Formosa Lily, Paspalum and other exotic grasses.</p> <p>The Proposal would result in the clearing of noxious weeds only. No native plants or vegetation would be impacted.</p> <p>No soil would be imported or exported from the subject land, removing any risk of spreading both noxious weeds and Argentine Ants.</p> <p><b>Heritage</b></p> <p>The subject land is not in or near any area included in the <i>Norfolk Island Plan 2002: Housekeeping Amendment 2022</i> Heritage Overlay.</p> <p>The building site has been disturbed during previous excavations.</p> <p>For these reasons, unexpected finds of archaeological deposits or any impact to items of heritage significance are not anticipated.</p> <p><b>Contaminated soil</b></p> <p>The historical use of the subject land is residential and the presence of industrial or agricultural contaminants in the soil is therefore unlikely.</p> <p>The subject land is not in an area containing, or likely to contain, acid sulfate soils.</p> <p>The proposed earthworks would be zero balance and no soil would be imported or exported from the subject land. This removes the risk of importing / exporting both contaminated soil and Argentine Ants.</p>

Principle	Response
	<p><b>Natural landforms</b></p> <p>Extensive earthworks have previously been undertaken at the proposed building site. The land in this area has already been altered and the proposed additional excavation would not impact any significant natural landform.</p> <p><b>Traffic</b></p> <p>The proposed earthworks would all be undertaken within the subject land and no soil would be imported or exported from the site.</p> <p>Therefore, construction traffic would be limited to earthmoving plant arriving and departing from the site to undertake the earthworks, and construction traffic typical of any new build on the island. All earthmoving plant and construction traffic would be parked on-site.</p> <p><b>Dust</b></p> <p>Dust would be a temporary impact during construction resulting from earthworks, stockpiled soil and disturbed ground surfaces.</p> <p>It is proposed that dust impacts be managed using standard mitigation and management measures such as watering, covering the temporary soil stockpile, and rehabilitating the site with grass as soon as practicable following the completion of construction.</p> <p><b>Erosion and sedimentation</b></p> <p>Erosion and sedimentation would be a temporary impact during construction resulting from earthworks, stockpiled soil and disturbed ground surfaces.</p> <p>It is proposed that erosion and sedimentation impacts be managed using standard mitigation and management measures to prevent sediment leaving the site.</p> <p>Standard mitigation and management measures would include, where relevant, redirection of surface water away from the excavation area, installation of silt fences / sandbag walls in any location where surface water runoff would leave the site, and rehabilitating the site with grass as soon as practicable following the completion of construction.</p> <p><b>Site stabilisation and rehabilitation</b></p> <p>Following construction of the concrete block walls, the cut soil would be used to raise and level the earth banks to a height of three metres, and to fill</p>

Principle	Response
	<p>between the earth banks and the concrete block walls on two sides of the building. The concrete block walls would retain and stabilise the soil. This would be an improvement over the existing condition of the building site where the earth banks are not formalised or retained.</p> <p>Although the height of the earth banks would be raised to three metres, they would still be lower than the adjoining boundaries.</p> <p>Following completion of construction, the majority of the disturbed area would be utilised by the building. Remaining disturbed areas would be grassed.</p> <p><b>Visual amenity</b></p> <p>Visual impacts of filling generally relate to loss of views when land is built up. The fill in this case would be used to backfill behind the shed / retaining walls and would not be used to build up the building site.</p> <p>Once the site is rehabilitated, there would be no residual visual scarring of the land.</p> <p>Visual amenity at the site would be impacted during construction of the Proposal as a result of construction activity. This is unavoidable. However due to the topography of the land and existing vegetation along the Stockyard Road boundary, the construction site would not be visible from Stockyard Road. Notwithstanding, the construction site would be maintained in a tidy state for visual and occupational health and safety purposes.</p> <p><b>Noise</b></p> <p>Noise would be generated at the site during construction of the Proposal as a result of construction activity. This is unavoidable. Noise impacts would be managed by limiting construction hours to NIRC's standard construction hours.</p> <p><b>OPERATION</b></p> <p><b>Visual amenity</b></p> <p>The Proposal would result in a new two level building on the subject land. Because the building would be constructed on land surrounded by three metre high earth banks on two sides, the bulk of the building would be</p>

Principle	Response
	<p>minimised from both the north-west and the south-west. Land on the other boundaries are owned by the Applicant and Island Industries.</p> <p>In addition to the north-west earth bank, the proposed building would be further screened from Stockyard Road and residences on the opposite side of Stockyard Road by the existing vegetation on the boundary which is tall and thick and provides a visual screen. This vegetation would be retained.</p> <p><b>Flooding and drainage</b></p> <p>Following completion of the build, the majority of the building site would be occupied by the building. The roof of the building would be plumbed to capture all rainwater and direct it to a nearby water tank. Any overflow from this water tank would be transferred to the existing water tank at the dwelling, which in turn would overflow into the valley on the subject land as per the existing arrangement.</p> <p>The capture of this water would prevent significant surface water runoff from the shed site. Additionally, no sealed surfaces are proposed at the exterior of the building or the access driveway, leaving the ground able to absorb any additional surface water.</p> <p>The site would be contoured to direct any surface water toward the valley on the subject land. This would follow the natural surface water flow across the land (refer to the Site Plan at <b>Attachment A</b>).</p> <p><b>Noise</b></p> <p>The main noise generated by the Proposal would be from the operation of the hobby woodworking machines. The Applicant used a noise meter to measure actual noise emissions from the machines when running. The noise emission from the noisiest machine was no greater than 50 dBA.</p> <p>Noise is unavoidable when using woodworking machines and the standard mitigation and management measure for noise attenuation is shielding. The proposed shed building has been designed with the following noise attenuating features:</p> <ul style="list-style-type: none"> <li>• Concrete block walls and earth banks on two sides.</li> <li>• Insulation in remaining walls.</li> </ul>

Principle	Response
	<ul style="list-style-type: none"> <li>Shed sized to enable a six metre piece of timber to be machined inside the building with all doors closed.</li> </ul> <p>The effort made to contain noise within the building is not indicative of the intensity of use proposed. Machine noise can create nuisance even when used occasionally, and the Applicant does not want to be responsible for the generation of any nuisance noise.</p> <p><b>Conclusion</b></p> <p>The key environmental impacts of construction (dust, erosion and sedimentation) would be temporary and short-term, limited to the construction phase of the Proposal.</p> <p>The key environmental impacts of operation (visual and noise) would be carefully managed through considerate design and are not considered to be unreasonable.</p> <p>The Proposal would not harm or degrade the ecology of Norfolk Island and would minimise existing impacts.</p>
<p>Use or development must minimise the potential detrimental effect on the environment. All areas, and sensitive ecological and/or visual areas in particular, shall be developed in a manner and to an extent that is consistent with the protection of the values of the area.</p>	<p>As above.</p>
<p>Use or development and land management practices must be directed towards achieving environmentally sustainable biodiversity and ecological balance, and avoiding environmental harm such as soil erosion, cliff erosion, coastal and dune erosion or degradation, loss of endemic plant and animal species, and increases in vermin populations.</p>	<p>The subject land is sloped but is not excessively steep or at unacceptable risk of land slippage.</p>
<p>Use or development must not be located in areas of unacceptable risk, particularly due to land slippage, or cliff collapse. In situations where foreseeable reasonable risk may exist, use and development must be appropriately designed and sited to provide an acceptable level of protection and safety for that use or development and for future users of that land and surrounding land in particular.</p>	<p>As above.</p>
<p>Potentially incompatible uses or developments must be adequately and appropriately located, sited, and designed to avoid conflict and potential harm.</p>	<p>The Proposal would not be incompatible with or harm surrounding land uses. It is for a development that would be ancillary and subservient to the use of</p>

Principle	Response
	the land as 'Residence – Dwelling House'. It has been designed to minimise potential noise impacts associated with the use of hobby woodworking machinery.
Activities involving extensive site works, such as quarrying, must be sited, screened, and rehabilitated where appropriate, to protect the ecological and visual qualities of the area.	Not applicable. Extensive siteworks are not proposed.
Use or development must be of a suitable form and siting to avoid any adverse impact on any watercourse and to avoid potential impacts of flooding.	Not applicable. There are no watercourses on or near the subject land
<b>Subdivision</b>	<b>Not Applicable.</b>
<b>Access and Parking</b>	
Buildings and spaces intended for public access must provide for satisfactory use and access by the disabled.	Not applicable. The proposed building would not be accessible to the public.
Road widths and reservations must be appropriate to the road function, expected traffic type and volume, and future subdivision potential of the subject and surrounding land.	Not applicable. The Proposal would not require the creation of a road.
Road intersections must be kept to a minimum with the use of existing roads.	Not applicable. No new road intersections or alterations to the existing driveway are proposed.
Intersections of road carriageways, footpaths, and pedestrian crossings and driveways shall provide adequate safety for all users.	No change to the intersection of the existing driveway of the subject land and Stockyard Road is proposed. No increase in vehicle movements to and from the subject land is proposed. Existing driveway arrangements are satisfactory and would remain unchanged.
New use or development must provide adequate car parking on-site to provide for the demand it generates and shall be capable of being safely accessed.	The Proposal would not result in any additional traffic to and from the subject land. The proposed shed building would provide an enclosed and secure garage space for vehicles belonging to the residents of the subject land.
On site turning must be provided for development involving significant traffic volumes, heavy vehicle types and/or at sites on roads which carry significant amounts of traffic.	Not applicable. The Proposal would not generate traffic volumes in addition to vehicle movements associated with the residential use of the subject land.
All use or development must provide satisfactory pedestrian and vehicular access, which is suited to the volume and needs of future users.	The existing internal driveway from the existing cattlestop to the proposed building site would be mowed and the woody weed regrowth along the edges

Principle	Response
	<p>trimmed to improve vehicular and pedestrian access for the residents of the subject land.</p> <p>Access for emergency vehicles is adequate – Refer to <b>Section 2.1.4.6</b>.</p>
<b>Infrastructure and Services</b>	
<p>Use or development must be provided with adequate and appropriate infrastructure and services that are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide such infrastructure and services.</p>	<p>All the relevant NIRC Team Leaders have been consulted in relation to the Proposal. Their individual requirements for adequate and appropriate infrastructure and services are provided in this Statement of Environmental Effects at <b>Section 2.1.4</b> and <b>Attachment C</b>.</p> <p>Infrastructure requirements specified by relevant NIRC Team Leaders have been built into the description of the Proposal provided in <b>Section 2</b> and would be implemented should the Proposal proceed.</p>
<p>Use or development must comply with the requirements of the current development control plan for management of water resources.</p>	<p>Compliant – Refer to <b>Section 6.3.1</b>.</p>
<p>Use or development must be appropriately sited, designed and constructed to avoid conflict with service mains (including telephone, power, sewerage, water, and other pipelines or service conduits). Buildings should not be erected over any service main or within any easement providing for same, whether utilised or not unless authorised by the Norfolk Island Regional Council.</p>	<p>Relevant NIRC Team Leaders have been consulted in relation to the Proposal and identified their requirements in relation to infrastructure systems.</p> <p>NIRC requirements have been built into the Proposal as presented in <b>Section 2</b>.</p>
<p>Infrastructure systems must use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements.</p>	<p>Relevant NIRC Team Leaders have been consulted in relation to the Proposal and identified their requirements in relation to infrastructure systems.</p> <p>NIRC requirements have been built into the Proposal as presented in <b>Section 2</b>.</p>
<p>Use or development must optimise efficiency in the use of energy and resources. In particular, land must be subdivided on a generally sequential basis (that is, one area is substantially developed before the next is subdivided), common trenching should be used for different services where appropriate, and solar access for energy generation maximised.</p>	<p>Not applicable. The subject land is already developed for residential purposes, and services are in place. Electricity to the proposed shed building is required, but it is the only one and common trenching is not applicable. No subdivision is proposed.</p>

Principle	Response
<b>Community Infrastructure</b>	
Use or development must demonstrate how it suits the community interest.	Not applicable. The Proposal is for a personal project that is not relevant to the community interest.
Use or development should have adequate and appropriate types and levels of access to social facilities and services.	Not applicable. The Proposal is for a personal project and would not require access to social services and facilities.
Use or development must not compromise or create an unreasonable demand for existing or future social service provision.	Not applicable. The Proposal is for a personal project and would not compromise or create an unreasonable demand for existing or future social service provision.
Use or development proposals should only be approved where the cost to the public of providing and maintaining services does not exceed the economic benefit of the use or development to the community.	Not applicable. The Proposal is for a personal project and would be fully funded by the Applicant.

**Conclusion** –The Proposal would be compliant with all relevant General Provisions of the Plan.



## 6.3 Development Control Plans

There are currently six development control plans that supplement the provisions of the Plan. These are:

- *Development Control Plan No. 1 – New Subdivision Roads.*
- *Development Control Plan No. 2 – Water Resources (2021).*
- *Development Control Plan No. 3 – Multi-Units.*
- *Development Control Plan No. 4 - Outdoor Advertising Structures and Signs.*
- *Development Control Plan No. 5 – Norfolk Island Airport.*
- *Development Control Plan No. 7 – KAVHA DCP 2020.*

Development Control Plan No. 2 is applicable to the Proposal.

### 6.3.1 Development Control Plan No. 2 – Water Resources.

The overarching controls and requirements provided by *Development Control Plan No. 2 – Water Resources (2021)* are addressed in **Table 3**.

**Table 3: Requirements of *Development Control Plan No. 2 – Water Resources (2021)***

Control / Requirements	Proposal complies	Comment
<b>General Requirements</b>		
Unless physically impossible to achieve due to site constraints, all water storage and on site wastewater management systems infrastructure must be located at the subject land.	✓	All water storage would be located within the subject land
It is the duty of the owner or occupier of land on which a waterway is situated or that adjoins a waterway to take reasonable steps to prevent damage to the bed and banks of the waterway and the water quality of the waterway.	N/A	There are no waterways on the subject land.
<b>Rainwater Capture and Storage Requirements</b>		
<b>Minimum rainwater capture and storage capacity requirements</b>		
All roofs from which rainwater is capable of being collected shall be fitted with rainwater collection systems capable of collecting all rainwater and delivering it to water storage tanks with sufficient capacity to meet the anticipated water use demands of the specific use and development.	✓	All roofs from which rainwater is capable of being collected would be fitted with rainwater collection systems capable of collecting all rainwater and delivering it to on-site water storage tanks.

Control / Requirements	Proposal complies	Comment
<b>Water demand or usage</b>		
<p>Water demand or usage shall be calculated based on the parameters specified in Table 1 – Estimated water demand or usage by use or activity, for each class of use or activity.</p>	<p>✓</p>	<p>Water demand or usage for a 'Residence - Dwelling House' is -</p> <p><i>For each dwelling unit:</i>  <i>1 bedroom – 280 L/day</i>  <i>+ 140 L/day for every extra bedroom</i></p> <p>The existing dwelling house has four bedrooms. This would not change as a result of the Proposal.</p> <p>Water demand and usage for the dwelling house is 700 L/day.</p> <p>Water demand or usage for a 'Home Industry' is assessed on a case by case basis.</p> <p>The Home Industry would have the following water requirements:</p> <ul style="list-style-type: none"> <li>• Toilet and handwashing. As only the resident of the dwelling would be using toilet and handwashing facilities at the Home Industry, this would not add to the residential water usage.</li> </ul> <p>Based on the results of the CSIRO NI Rainfall Simulator, the available 1617161 and water storage capacity allows for water consumption of 1100 L/day with an acceptable fail rate of 5 percent. This means there is 400 L/day water usage available for the Home Industry, which is excess to requirements.</p>
<b>Water storage capacity</b>		
<p>The minimum water storage requirements and minimum roof area requirements shall be determined based on water usage in litres per day (L/day) specified in Table 2 - Minimum water storage and minimum roof area requirements for different water usage demands.</p>	<p>✓</p>	<p>Water demand and usage of 1000 L/day requires water storage capacity of 100,000 litres and a roof area of 350 square metres.</p> <p>Existing water storage capacity on the subject land is 25,000 gallons or 113,652 litres. No additional water storage is required for compliance.</p> <p>The roof area of the existing house is 182 square metres. The roof area of the existing carport is 65 square metres. The roof area of the proposed shed building would be 161 square metres. Total roof area would be 408 square metres. No additional roof area is required for compliance.</p>
<p>The estimated water use or demand and consequent minimum water storage requirements shall be determined by the General Manager.</p>	<p>✓</p>	<p>The estimated water use or demand and consequent minimum water storage requirements were determined by NIRC (Public Health and Environment) who advised that the Proposal is compliant for water supply (refer <b>Section 2.1.4.1</b>).</p>

Control / Requirements	Proposal complies	Comment
<b>WASTEWATER MANAGEMENT</b>		
<b>Specified use and development at land serviced by any sewer mains</b>		
All specified use or development at land that is within 75 metres of any sewer mains must be connected to those sewer mains.	N/A	The subject land is not located within 75 metres of any sewer main.
For all specified use or development that is not connected to available sewer mains, and is at land that is capable of connection to any sewer mains, any approval for development and / or building activities will include conditions that require connection to the available sewer mains before an Occupancy Certificate for the approved activity will be issued.	✓	<p>The existing dwelling house is connected to a septic tank and absorption trench.</p> <p>NIRC (Public Health and Environment) has advise that the septic tank is not compliant with current requirements and that one of the following two options must be implemented:</p> <ul style="list-style-type: none"> <li>• Decommission the septic and replace it with an Aerated Wastewater Treatment System + irrigation.</li> <li>• Convert the septic into a holding tank (applicants often install a greywater treatment system + irrigation when choosing this option so only the black water goes to the holding tank) (refer <b>Section 2.1.4.2</b>).</li> </ul> <p>One of these options would be implemented for the Proposal.</p>

**Conclusion** – The Proposal would comply with the relevant requirements of *Development Control Plan No. 2 – Water Resources (2021)*.

## 7 Conclusion

The Proposal is for a shed building that is ancillary to the existing dwelling house on the subject land and for a change of use of a section of the shed for use as a Home Industry (hobby woodworking workshop) which would be operated by the resident of the property.

Due to the topography of the land and previous earthworks undertaken on the subject land, the Proposal includes 150 cubic metres of fill to create the building pad. This is prescribed development for the purposes of the Planning Regulations and requires an environmental impact statement.

Section 34(3)(a) of the *Planning Act 2002 (NI)* provides that the Chief Executive Officer (CEO) (in this case the General Manager of NIRC) may, if the CEO thinks it is reasonable in the circumstances, waive the requirement for the environmental impact statement.

A request to the NIRC General Manager to waive the requirement for an environmental impact statement in accordance with Section 34(3)(a) of the *Planning Act 2002 (NI)* was made on 11 June 2024. The waiver was granted on 24 July 2024 based on circumstances including the preparation of a Statement of Environmental Effects to assess the potential environmental impact of the earthworks.

As demonstrated throughout this Statement of Environmental Effects and summarised in **Table 5**, the Proposal would be compliant with all the provisions of the Plan and relevant Development Control Plans. It would meet all the requirements of the NIRC Team Leaders for Infrastructure, Services and Biodiversity.

**Table 5 Compliance of the proposal with the relevant requirements of the Plan, Development Control Plan and Acts**

<b>Requirement</b>	<b>Proposal Complies</b>
<b>Strategic Plan – Semi-rural Preferred Dominant Land Use</b>	
Purpose	✓
Objectives	✓
<b>Planning Requirements – Rural Residential Zone</b>	
Intent	✓
Objectives and guidelines	✓
Subdivision standards	N/A
Development standards	✓
<b>Overlay provisions</b>	
Coastal environment and buffer area overlay	N/A
Heritage overlay	N/A
Obstacle limitation surfaces overlay	N/A
Heritage overlay	N/A
<b>General Provisions</b>	
Use	✓
Character	✓
Amenity	N/A
Environment	✓
Subdivision	N/A
Access and parking	✓
Infrastructure and services	✓
Community Infrastructure	✓
<b>Development Control Plans</b>	
No. 1 – New Subdivision Roads	N/A
No. 2 – Water Resources	✓
No. 3 – Multi-Units	N/A
No. 4 - Outdoor Advertising Structures and Signs	N/A
No. 5 - Airport	N/A
No. 7 – KAVHA DCP 2020	N/A

The Proposal has been designed with local amenity in mind and would not have an unreasonable impact on the subject land, the surrounding land, the surrounding land uses or developments, the local area, or the community of Norfolk Island.

Consequently, consideration and approval of this application is requested.

## **Attachment A Plans:**

**Site Plan**

**Floor Plan**

**Elevation Plans**

**Earthworks Plan**

DAVID PITCHER      STOCKYARD TCD

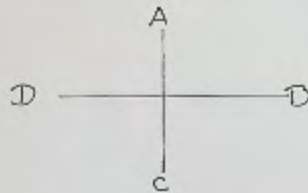
✶ 11 LARGE PLAN SHEETS INCLUDED

AIRIAL PHOTOGRAPH

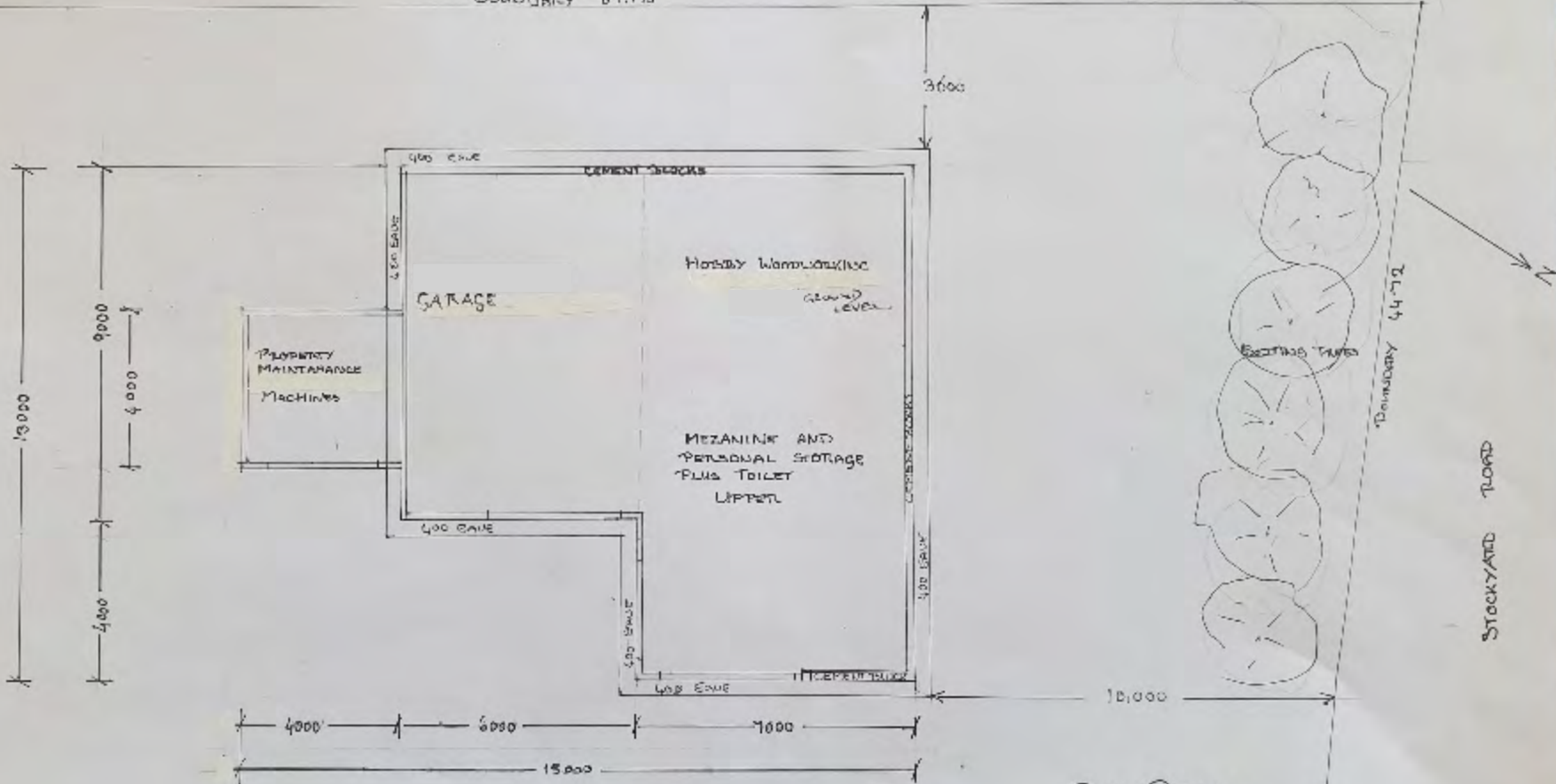
SURVEY MAP

STATEMENT OF IMPACTS





Boundary 87.195

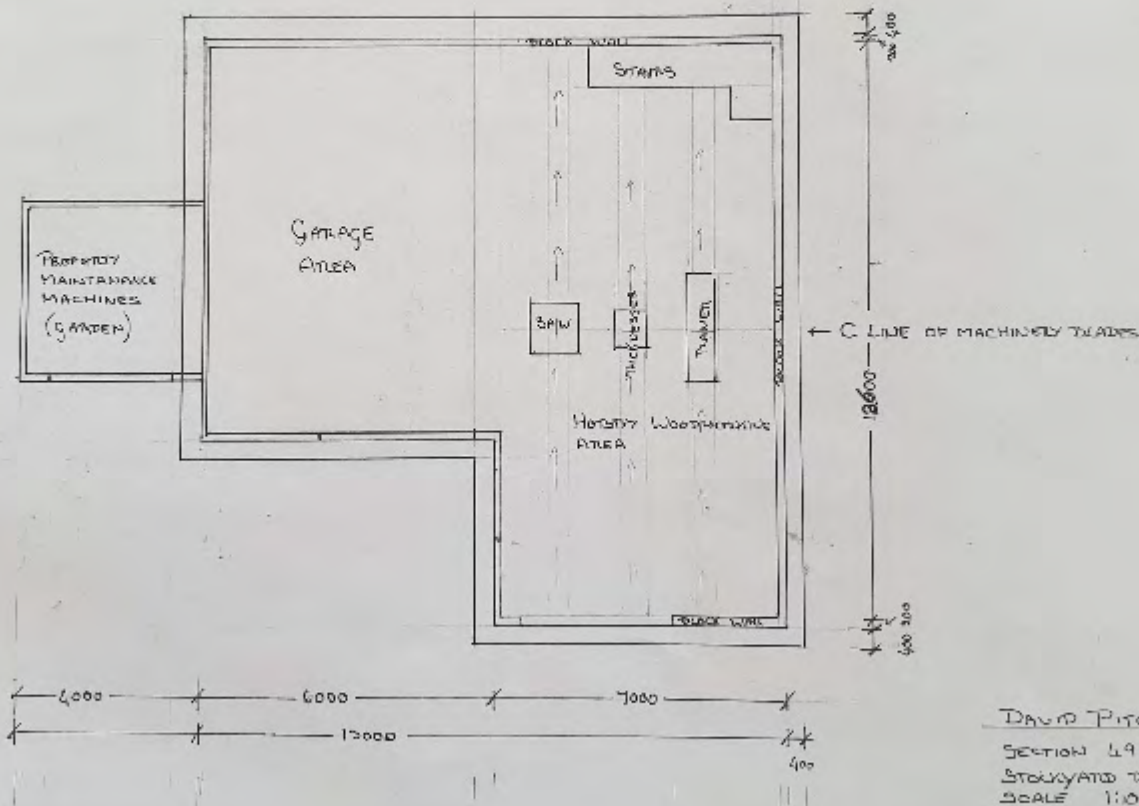


DAVID FITCHER  
SECTION 4967  
STOCKYARD ROAD  
SCALE 1:100



INDICATIVE

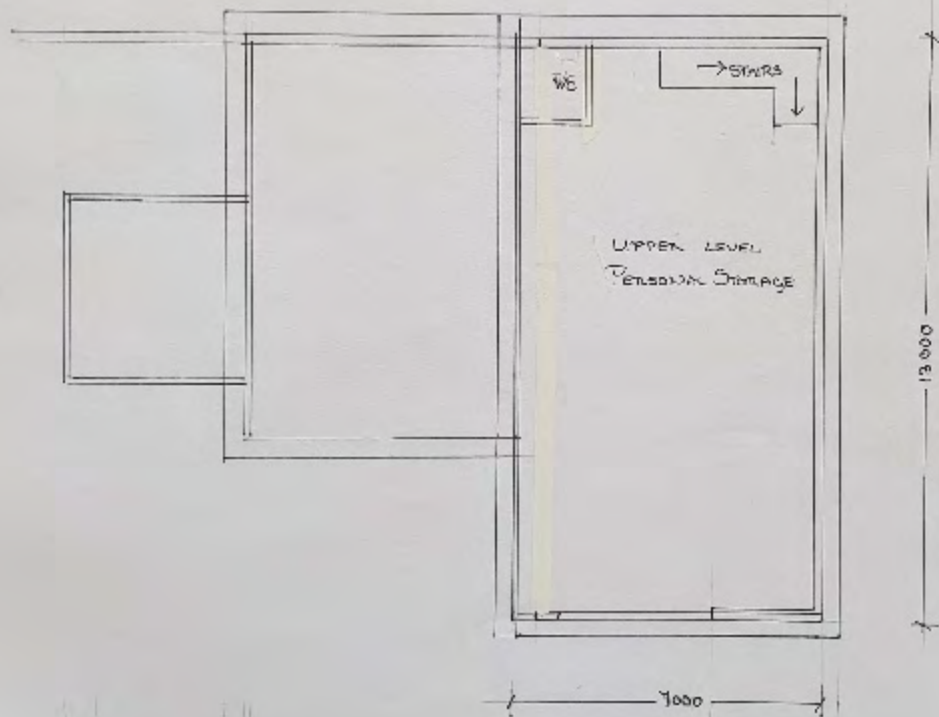
PLAN SHOWING 3-PHASE MACHINE LOCATIONS  
AND DIRECTION AREAS OF INFEED AND  
OUTFEED OF TIMBER,  
6 METRES EITHER SIDE



DAVID PITCHER

SECTION 49 & 7  
STOKYARD ROAD  
SCALE 1:100

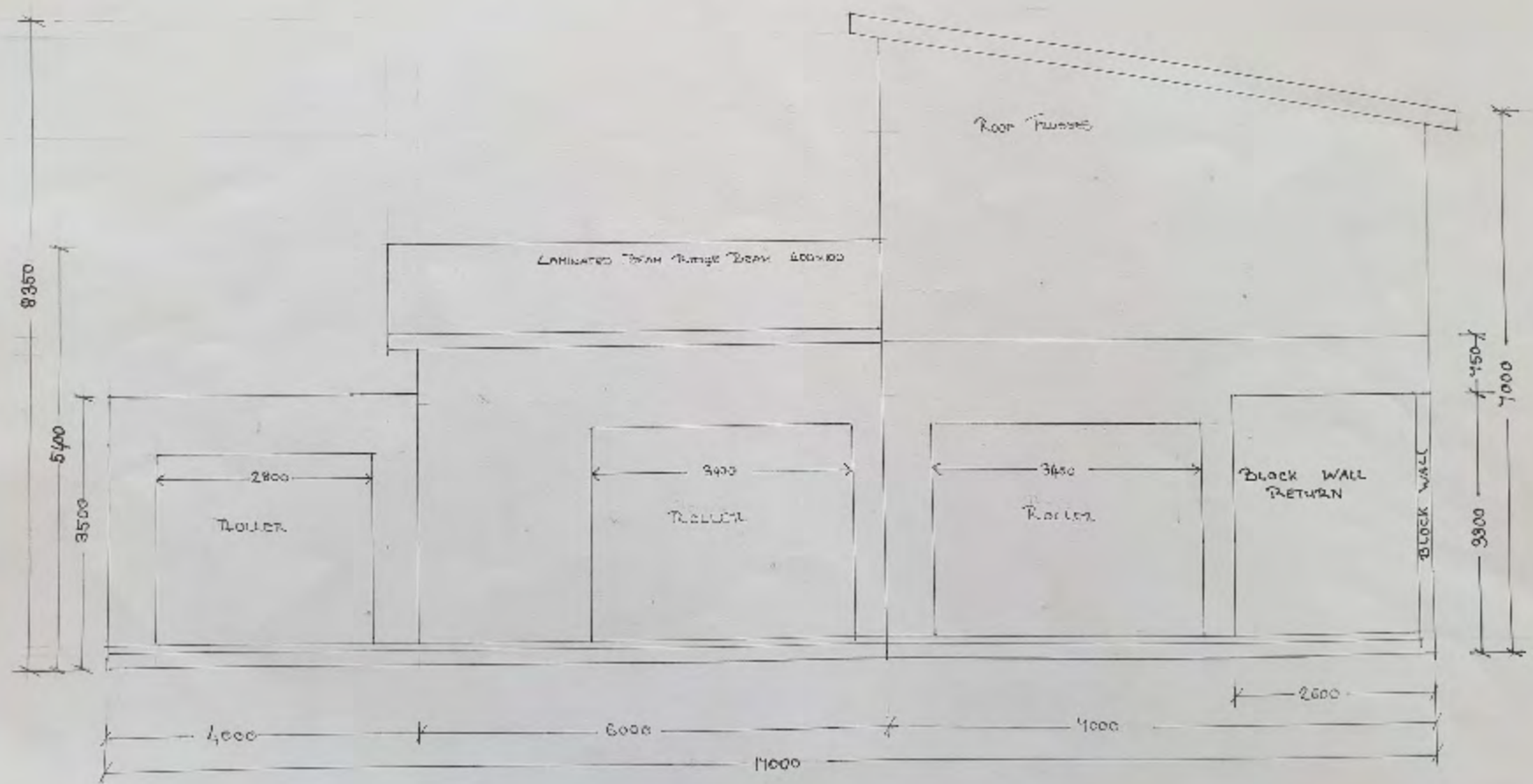
PLAN SHOWING TOILET LOCATION  
ON UPPER LEVEL



DAVID FITCHER  
SECTION 4967  
STOCKYARD ROAD  
SCALE 1:100

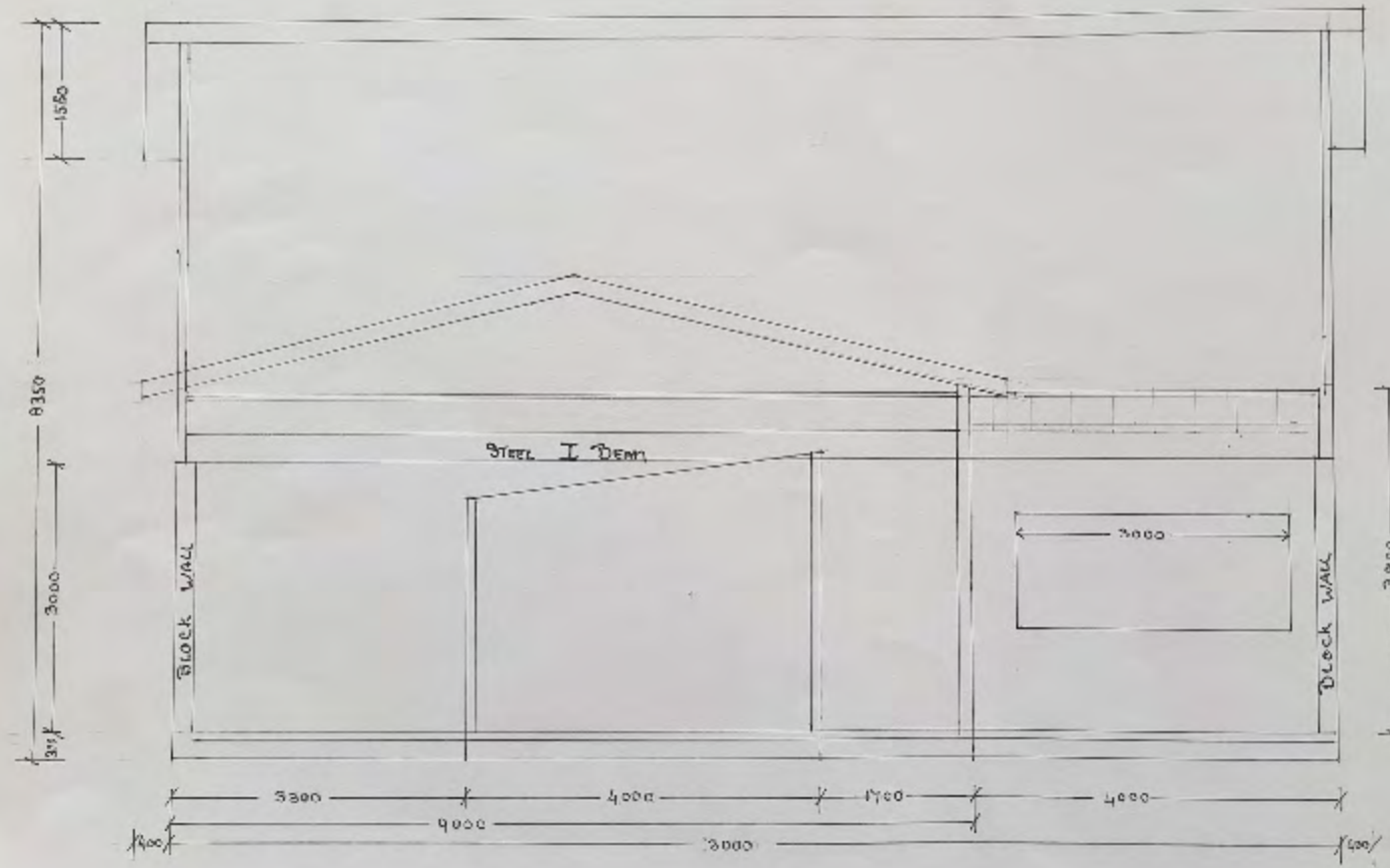
DAVID PITCHER  
WORKSHOP  
STOCKYARD ROAD  
SCALE 1:50

ELEVATION C  
NORTH EAST FACING ELEVATION



Elevation D

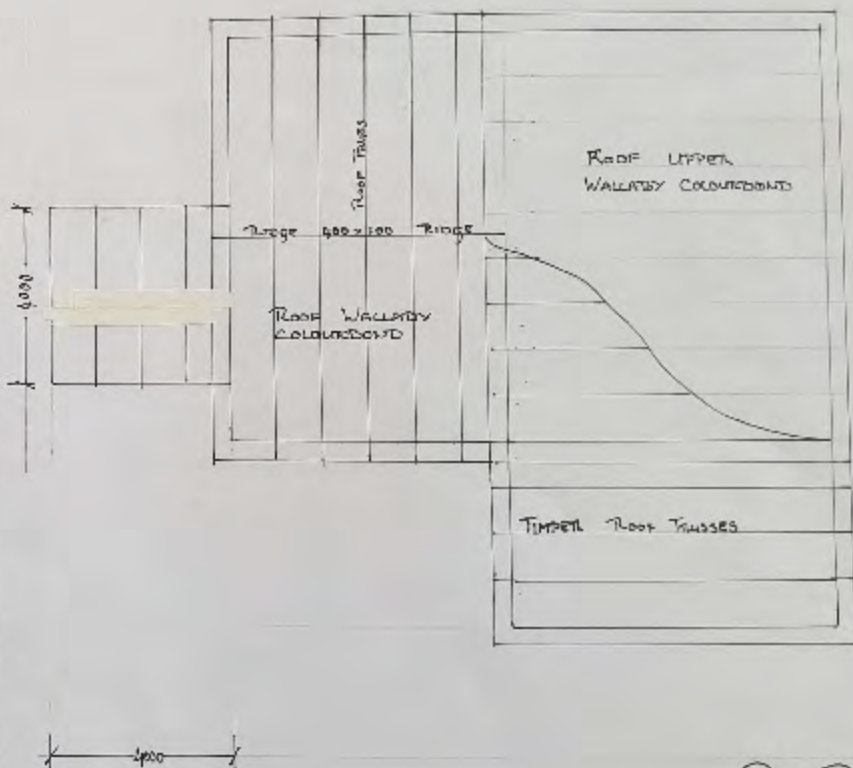
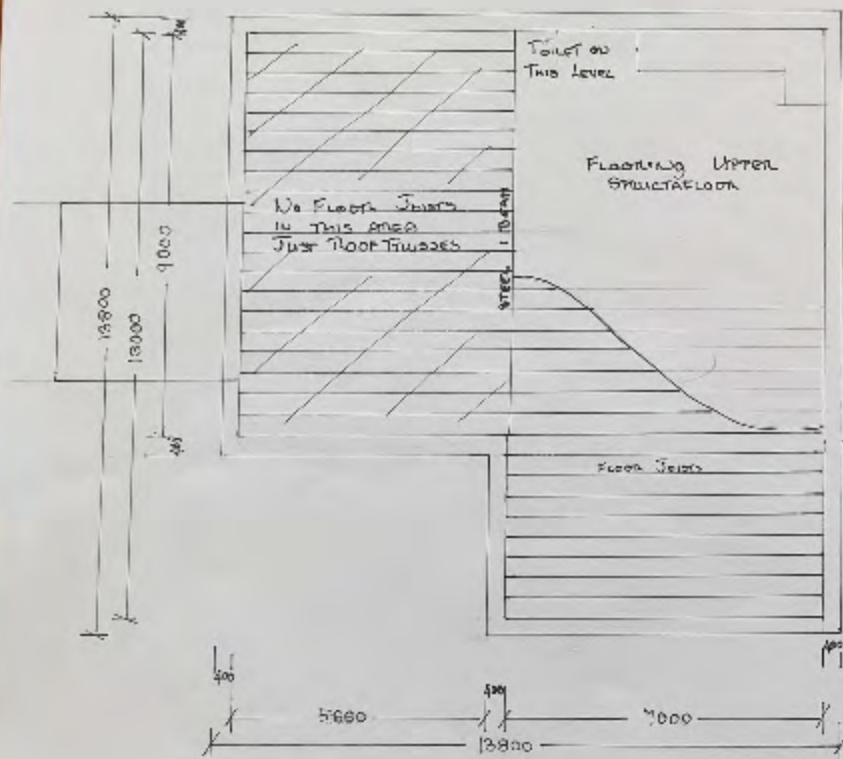
SOUTH EAST FACING ELEVATION



DAVID PITCHER  
WORKSHOP  
STOCKYARD TCO  
SCALE 1:50

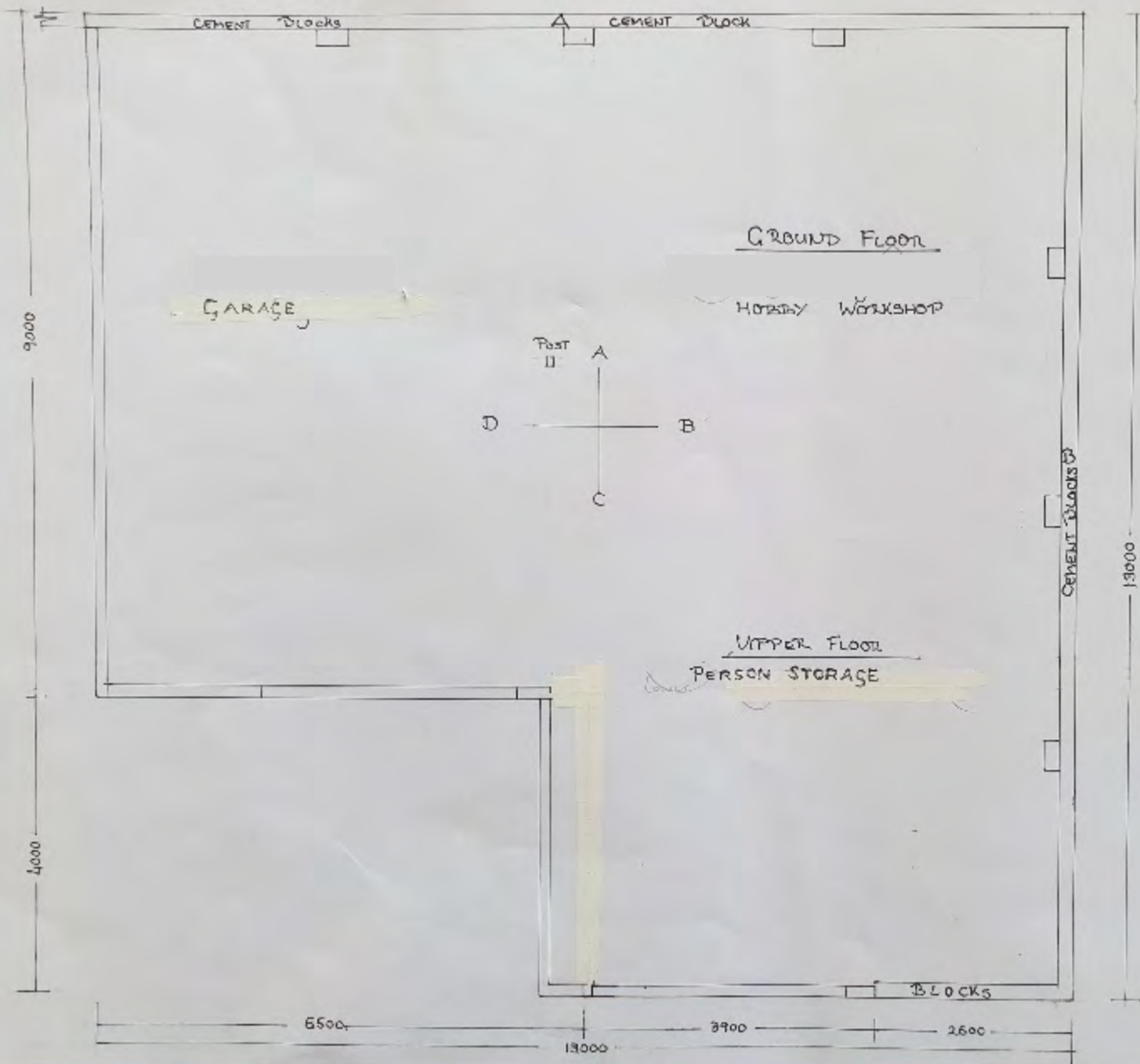
Flooring Joists 450 Centres  
 Steel CENTRE BEAM  
 Eaves 400

Truss/Ceiling Joist 1000 centres



DAVID FITCHER  
 WORKSHOP  
 STOCKYARD RD

Scale 1:100



100mm SLAB FLOOR  
CEMENT BLOCK A,B,C  
COLOUR TONED FLOOR  
PLYWOOD WALLS

DAVID FITCHER  
PROPOSED WORKSHOP  
STOCKYARD ROAD  
SCALE 1:50

To Be Looked At With Excavation Depth Elevation

Excavation Cross Sections South West

Excavation Depth: ED

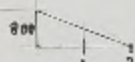
1:100 GRID FOR SOIL EXCAVATION CALCULATIONS

150 CUBIC METRES OF EARTH REPOSITIONED

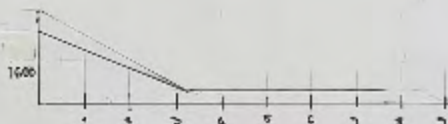
134

137

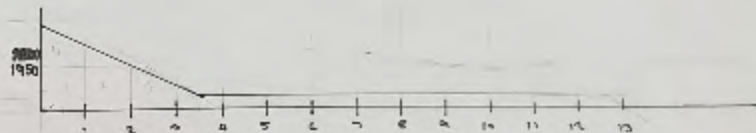
EP A



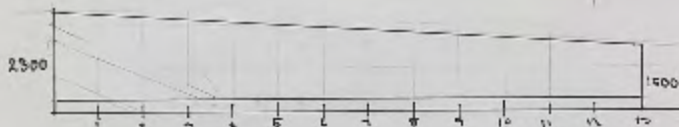
ED B



ED C



D<sub>1</sub>



Excavation Cross Sections North West

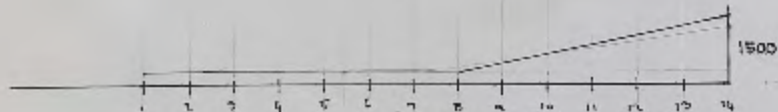


DAVID PITCHER

LOCKHART

STOCKYARD ROAD

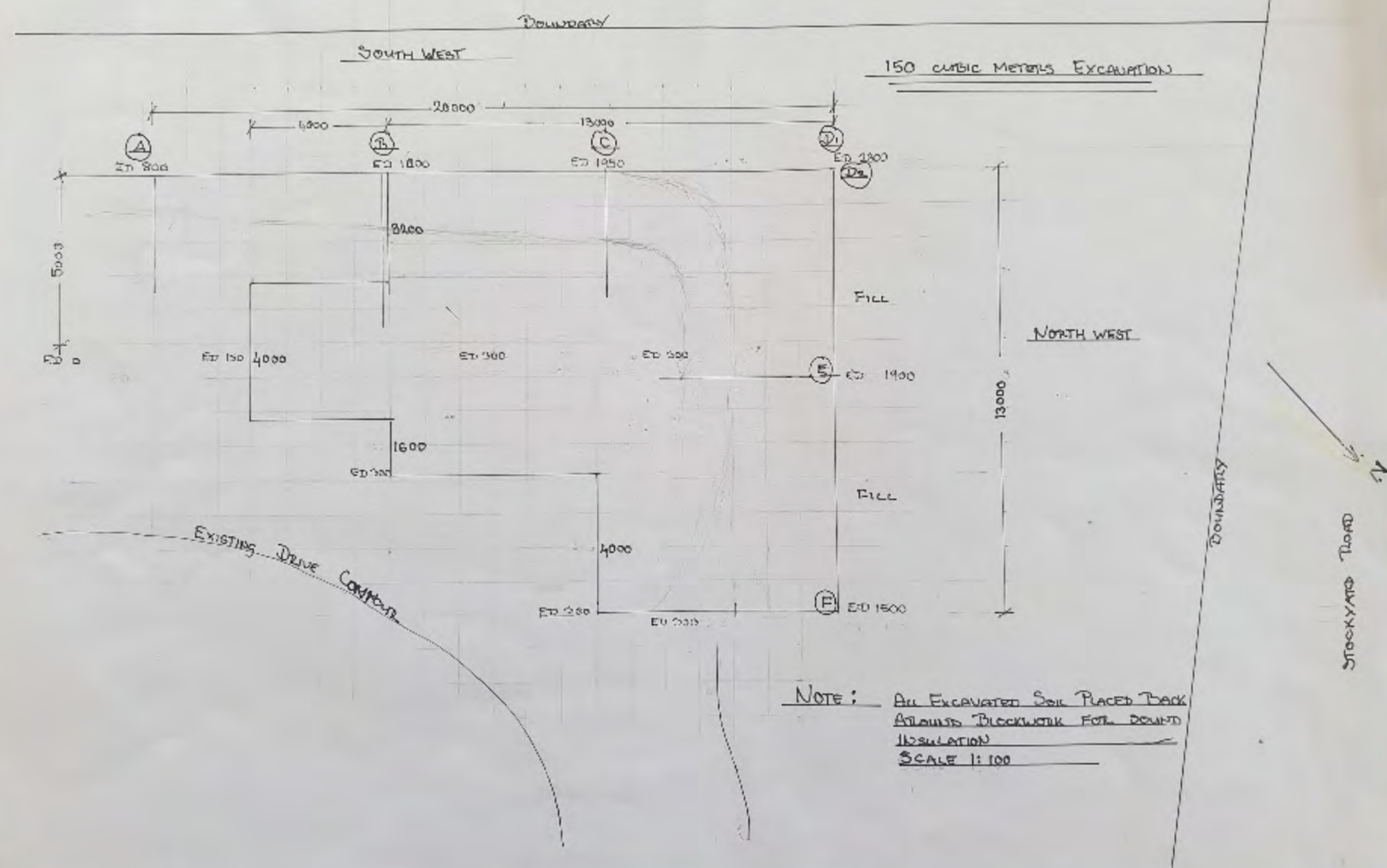
SCALE 1:100



150  
100  
100  
100

To Be Looked At With Excavation Cross Sections Elevation

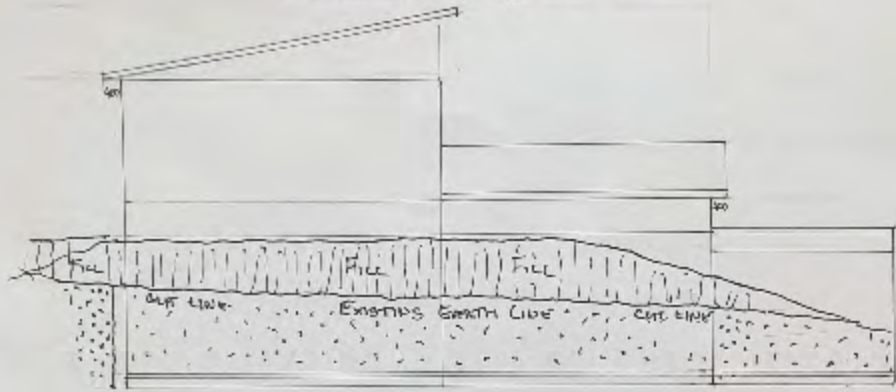
ED Excavation Depth



NOTE: All Excavated Soil Placed Back Around Blockwork For Down Insulation  
SCALE 1:100

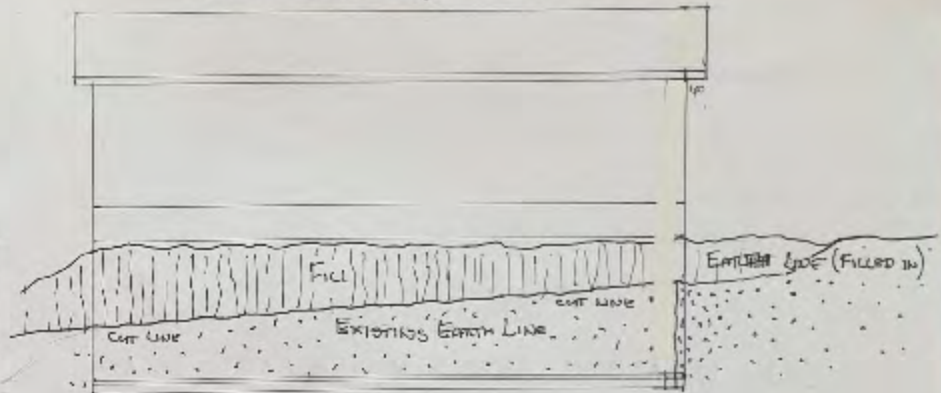


South West Facing Elevation



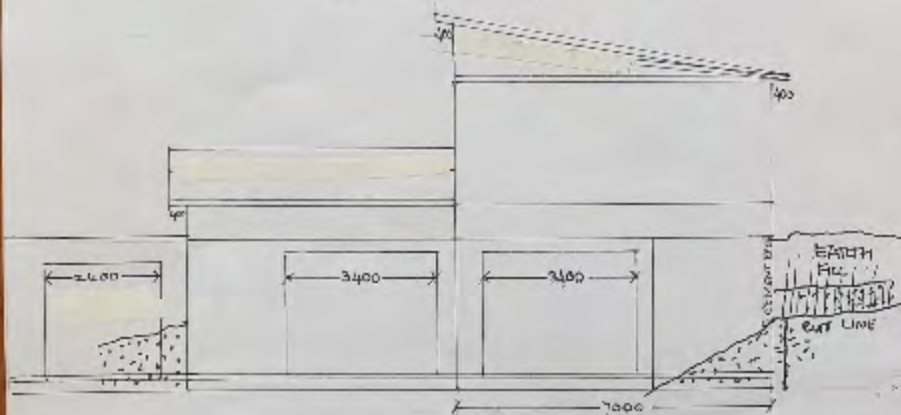
A

North West Facing Elevation



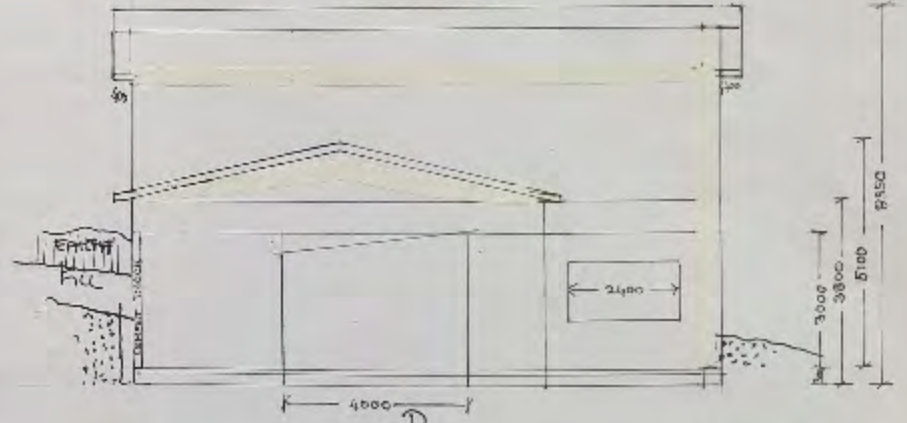
B

North East Facing Elevation



C

South East Facing Elevation



D

4000      13000  
 13000

4000      13000      13000

DAVID PITCHER  
 WORKSHOP  
 STOKYARD TCD

Scale 1:100

1/1/2000

**Attachment B Land Title**



# TITLE SEARCH

The information in this title search relates to an estate in fee simple granted on 21 February 1871

## Registered Proprietor and Tenancy

DAVID KENDALL PITCHER

Sole Proprietor

## Land

Lot	Section	Portion	Area	Sheet Number
105	3	49b7	8000m2	9

## Notations

Instrument No	Description	Comments
---------------	-------------	----------

## Related Titles

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## Encumbrances

Instrument No	Description	Registered
9377	Mortgage - Westpac	25/02/2014 8:51:03 AM

## Unregistered dealings

Instrument No	Description	Lodge Date
---------------	-------------	------------

## Certification

The information in this search is certified correct by the Registrar of Titles at

8/08/2023 1:35:22 PM

## **Attachment C: EIS Waiver advice**

## Miriam Streulens

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**From:** Jodie Brown <jodie.quintal@nirc.gov.nf>  
**Sent:** Wednesday, 24 July 2024 8:40 AM  
**To:** Miriam Streulens; Planning and Development  
**Cc:** David Pitcher  
**Subject:** RE: Portion 49b7 - Request for waiver of requirement for EIS for "Fill"

Hi Miriam

Thank you for the letter requesting that, under the provisions of section 34(3(a) of the *Planning Act 2002 (NI)*, the requirement under section 45(4) for an EIS to accompany the planned DA for a proposed development at Portion 49b7 Stockyard Road that would involve more than 50 cubic metres of fill, be waived. As delegate to the General Manager under section 93 of the *Planning Act 2002 (NI)*, I consider it reasonable to waive the requirement for an EIS to accompany the DA; those circumstances including that a Statement of Environment Effects that considers the potential environmental impacts of the filling activity will accompany the DA.

We look forward to receiving the finalised DA and SEE,

Thanks,  
Jodie



**Jodie Brown**

Senior Strategic Planner - Building & Planning

Norfolk Island Regional Council  
PO Box 95, Norfolk Island 2899  
Bicentennial Complex  
39 Taylors Rd, Burnt Pine,  
Norfolk Island 2899  
E: [jodie.quintal@nirc.gov.nf](mailto:jodie.quintal@nirc.gov.nf)  
T: +672322001  
[www.norfolkisland.gov.nf](http://www.norfolkisland.gov.nf)

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