

NORFOLK ISLAND

Regional Council

30 January 2025

S Quintal & C L Quintal
PO Box 979
NORFOLK ISLAND 2899

APPROVAL OF DEVELOPMENT APPLICATION DA.BA 36/2024:

1. Change of Use to *Indoor Sports and Recreation Facility and Food and Drink Premises*
2. Alterations and additions: Construct two covered open walled spaces ancillary to *Food and Drink Premises and Shop*

AT Lot: 153 Sec: 22 Por: 37a10 Sh: 59, 36a-36d Taylors 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 ensure that, prior to commencement of any ground disturbance associated with the construction of the approved development, all personnel working on site are provided with a copy of this Notice of Decision and the conditions of development approval. The landowner is responsible for compliance with the *Planning Act 2002 (NI)*; the *Building Act 2002 (NI)* and any other legislative requirements that apply to the approved development.

Please note that the attached Notice of Decision is for development approval under the *Planning Act 2002 (NI)* only. Your Building Application is being assessed for building approval by the Building Inspector. You will be contacted regarding any additional plans that may be required.

Please do not hesitate to contact Planning and Development on email planning@nirc.gov.nf if you have any queries.

Yours sincerely



Jodie Brown
Senior Strategic Planner

NORFOLK ISLAND

Regional Council

NOTICE OF DECISION ON DEVELOPMENT APPLICATION

Pursuant to Section 47 of the Planning Act 2002 (NI)

I, George Plant, Administrator of Norfolk Island and delegate of the Commonwealth Minister under paragraph 1.66 of the *Minister's Norfolk Island Delegation Instrument 2019 (Cth)*, under section 44(6)(a) of *Planning Act 2002 (NI)* determine the Development Application ('the Application') referred to in Schedule 1 by granting development approval subject to the conditions set out in Schedule 2.

The reasons for the imposition of conditions are to:

- Achieve, in part, the principle Aim of the Norfolk Island Plan 2002, which is

'Whilst recognising that Norfolk Island is first and foremost home to its residents, to provide for development which is consistent with the protection of Norfolk Island's natural environment, the preservation of the unique cultural and built heritage, the preservation of the character and quality of landscape experience, the maintenance of the agricultural industry, the development of a sustainable tourism industry based on Norfolk Island's special characteristics and the development of pleasant and functional places in which to live, work and recreate'.

And

- Minimise any adverse environmental and other impacts associated with the use of the property on adjacent properties and the amenity of the area.

George Plant

Administrator of Norfolk Island & Commonwealth Minister delegate

Date approved:

20/1/2025



Notes:

1. The date upon which this approval takes effect is:
 - a. the expiration of 28 days after this approval is given; or
 - b. if an application is made under Part 7 of the *Planning Act 2002 (NI)* for review of the approval decision within 28 days, the final determination of the review; unless the Administrative Review Tribunal declares an earlier effective date.
2. Pursuant to Section 62 of the *Planning Act 2002 (NI)*, this approval will lapse if the land the subject of this approval has not been used or developed in accordance with this approval by the prescribed date, which is 60 months after the date the approval took effect.
3. Pursuant to Section 78 of the *Planning Act 2002 (NI)*, the decision made by the Minister in relation to this development application is a reviewable decision. Pursuant to Section 79 of the *Planning Act 2002 (NI)*, application may be made to the Administrative Review Tribunal for review of the decision. An application for review of the decision must be lodged within 28 days of the date of this Notice of Decision.

GLOSSARY

‘the Council’	Means Norfolk Island Regional Council
‘General Manager’	Means the General Manager of Norfolk Island Regional Council
‘Norfolk Island Plan’	Means Norfolk Island Plan 2002 (effective 16 March 2023)
‘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
‘Sensitive Land Use’	Means Sensitive Land Use as described in the Norfolk Island Plan: <ul style="list-style-type: none"> (a) Child Care Centre; or (b) Community Facility; or (c) Educational Establishment; or (d) Hospital; or (e) Health Care Service; or (f) Hotel; or (g) Residence (Class); or (h) Resort; or (i) Tourist Park.

SCHEDULE 1 – DEVELOPMENT APPLICATION

DEVELOPMENT APPLICATION NO:	DA.BA 36/2024
APPLICATION MADE BY: (THE APPLICANT)	S Quintal & C L Quintal
LAND TO BE USED OR DEVELOPED: (SUBJECT LAND)	Portion 37a1, 36a-36d Taylors Road
PROPOSED USE AND DEVELOPMENT (THE PROPOSAL)	<ul style="list-style-type: none"> • Alterations and additions: <ul style="list-style-type: none"> - Construct two covered open walled spaces ancillary to <i>Prinke Eco Store and Café</i>; • Change of Use: <ul style="list-style-type: none"> - To relocate <i>Prinke cafe (Food and Drink Premises)</i> and retail activities at <i>Prinke Eco Store (Shop)</i> from the lower level / south eastern block of commercial premises to the north western block; where <i>Yoga with Candida</i> is currently located; and - To relocate <i>Yoga with Candida (Indoor Sports and Recreation Facility)</i> to the lower level / south eastern block where <i>Prinke</i> is currently located; • Signage: <ul style="list-style-type: none"> - To erect a sign board above the fascia along the road frontage length of both blocks and display signage - <i>Flush wall adverting structures for</i>

	activities located within the two commercial blocks;
APPROVED USE OR DEVELOPMENT IN THIS NOTICE OF DECISION FOR PERMISSIBLE WITH CONSENT USE OR DEVELOPMENT (THE DEVELOPMENT)	<ul style="list-style-type: none"> • Change of Use to <i>Indoor Sports and Recreation Facility and Food and Drink Premises</i> • Alterations and additions: Construct two covered open walled spaces ancillary to <i>Food and Drink Premises and Shop</i>
DECISION:	Approved
DATE OF DECISION:	30 January 2025
DATE THE DECISION TAKES EFFECT:	28 February 2025
DATE THE DEVELOPMENT APPROVAL LAPSES:	28 February 2030

SCHEDULE 2 - CONDITIONS OF DEVELOPMENT APPROVAL

GENERAL CONDITIONS RELATING TO THIS APPROVAL

Scope of this Approval

1. The Development shall be carried out in accordance with:
 - a. DA.BA 36/2024 and the stamped approved plans accompanying this Notice of Decision;
 - b. All relevant requirements in the Norfolk Island Plan for the Mixed Use Zone;
 - 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 and development

3. Section 31 of the *Planning Act 2002 (NI)* provides that a development approval may be given subject to a condition that the use or development of the land, or a specified part of the development, shall be subject to another development approval.
4. Accordingly, this development approval is for the change of use to *Indoor Sports and Recreation Facility and Food and Drink Premises* and construction of ancillary structures as presented in the Proposal and defined below, which are classified as permissible with consent use or development in the Norfolk Island Plan.

Food and Drink Premises¹

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

Indoor Sport and Recreation Facility²

Means the Use or Development of Land at which members of the public participate in sport, athletics or other recreation indoors. The term includes, but is not limited to, Use of premises as an indoor fitness centre, gymnasium, dance studio, skating rink, where those

¹ Cl. 104 Norfolk Island Plan

² Cl. 104 Norfolk Island Plan

premises are not a Resort.

5. The change of use to *Shop and Flush wall advertising structure* as presented in the Proposal, which are classified as permitted use or development in the Norfolk Island Plan, are subject to development approval for DABA 1/2025.

Connections to public infrastructure services

6. Any required new connections to public services and infrastructure and other works must be undertaken and completed to the satisfaction of the Council. Costs and responsibilities for installing or upgrading services and infrastructure shall be determined by the Council.

Compliance

7. The conditions of this Notice of Decision must be complied with. The person responsible for the use and development of the site must ensure that all employees, contractors and subcontractors are aware of, and comply with, the conditions of this Notice of Decision. Compliance with conditions will be monitored by an authorised officer of Council.

Dispute resolution

8. For any unresolved dispute arising out of the implementation of these conditions between the person responsible for the development of the site and a public authority, company or person (but excluding any dispute between the person responsible for the development of the site and his or her contractors and/or subcontractors engaged in the construction of the Development), in the first instance either party can refer the matter to the General Manager, and, if not resolved, the Minister. The Minister's determination of the disagreement shall be final and binding on all parties.

CONDITIONS RELATING TO STATURORY REQUIREMENTS

Requirement for Building Approval

9. Prior to the use of the subject land and premises for *Food and Drink Premises and Indoor Sport and Recreation Facility* and construction of ancillary structures as proposed in DABA 36/2024, building approval under the *Building Act 2002 (NI)* must be obtained to recognise 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

10. 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

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

Vegetation and landscaping

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

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

Minimum rainwater capture and storage requirements

13. In accordance with Clause 19 of *Development Control Plan No. 2 - Water Resources (2021)* all roofs at the development from which rainwater is capable of being collected shall be fitted with rain water 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 Development.

CONDITIONS TO BE COMPLIED WITH DURING BUILDING WORK

Obligation to minimise harm to the environment

14. All practicable measures to prevent or minimise any harm to the environment that may result from the construction and use of the Development must be implemented.

Construction site maintenance

15. During construction, the site must be maintained in an orderly manner for both visual aesthetics and occupational health and safety considerations. Disturbed areas must be rehabilitated as soon as practicable at the completion of works.

Noise impacts – construction

16. Unless authorised by Council, all construction activities at the development site which are audible at 'sensitive land uses' (as defined in the Glossary) are restricted to the following times:
17. 7:00am to 5:00pm Mondays to Fridays;
18. 7:00am to 1:00pm on Saturdays; and
19. At no time on Sundays and public holidays.

Dust emissions

20. The Development must be constructed, used and maintained in a manner that will minimise the generation of dust in the development site, and the emission of dust from the development site. Dust minimisation measures must include, but not be limited to the following:
 - a. All vehicles exiting the site must be prevented from tracking material from the site.
 - b. Stockpiles must be maintained in a condition which minimises wind-blown dust; i.e. confined to the smallest practicable area and covered or watered.
 - c. All vehicles entering or leaving the site carrying a load that may generate dust must be covered at all times, except during loading and unloading.

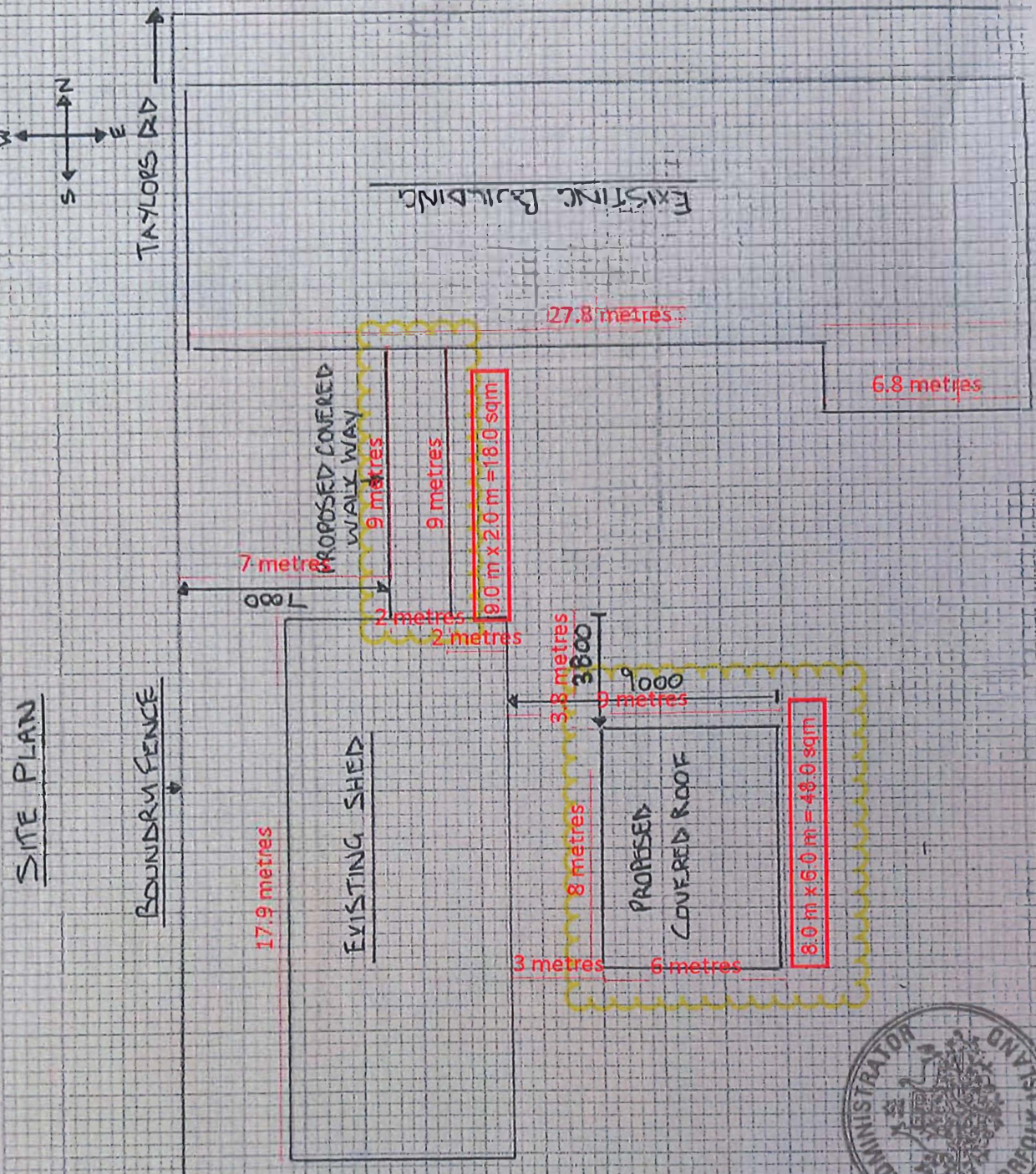
Traffic, access and parking

21. During construction, access to the site must be maintained in an orderly manner for occupational health and safety and road safety considerations. Appropriate signage must be used where necessary to ensure public safety.
22. Vehicular access and parking to and within the site must be safe and convenient for residents, visitors and emergency vehicles.

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

23. 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)*.
24. Not later than 30 days following the completion of activities approved in this Notice of Decision 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



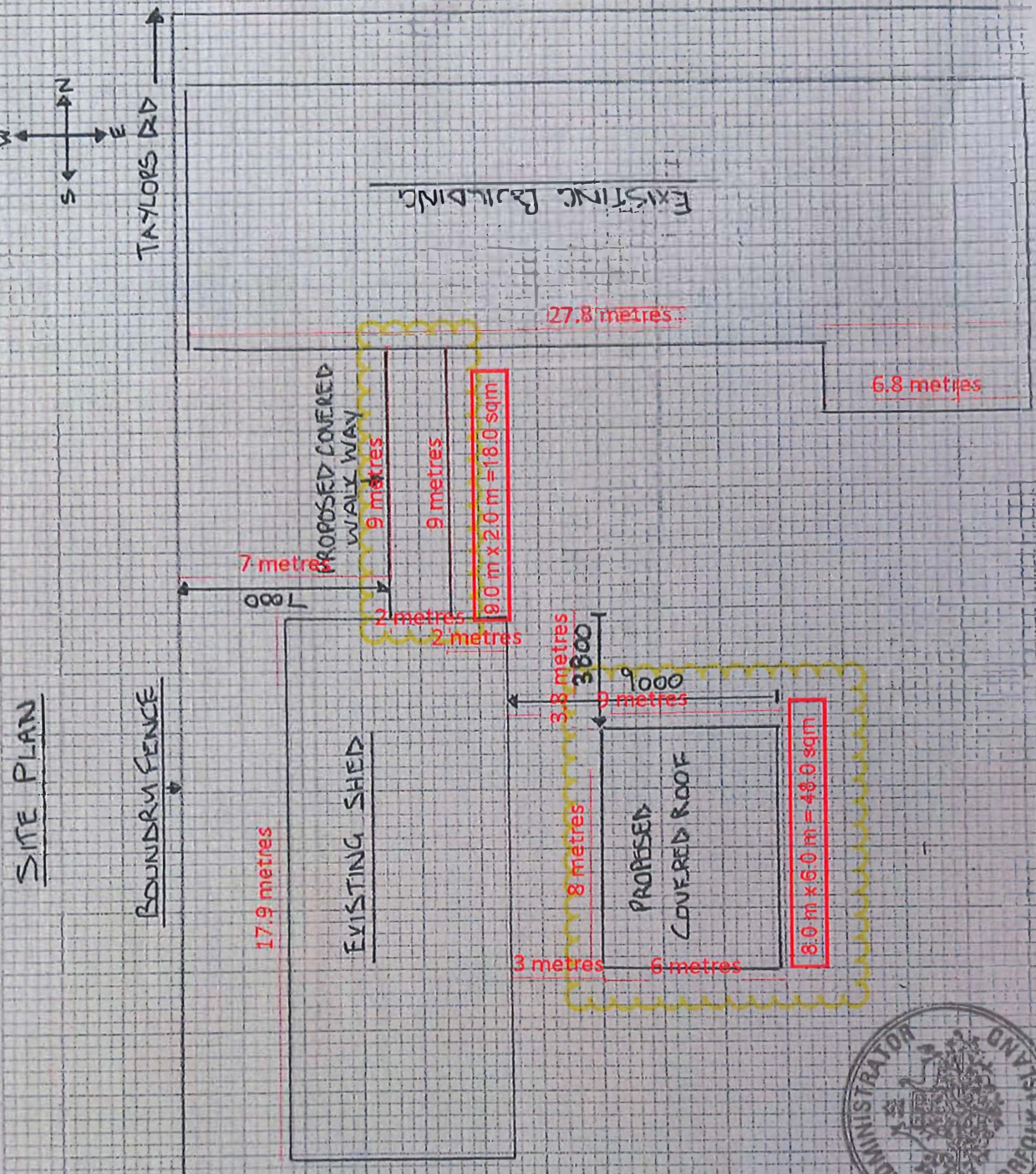
NORFOLK ISLAND
Regional Authority

APPROVED PLANS

Application Number: DABA 36/2024

Approved: *[Signature]*

Sheet: 1 of 6



SITE PLAN

SCALE 1:200

NORFOLK ISLAND
Regional Council

APPROVED PLANS

Application Number: DABA 36/2024

Approved *[Signature]*

Sheet: 1 of 6

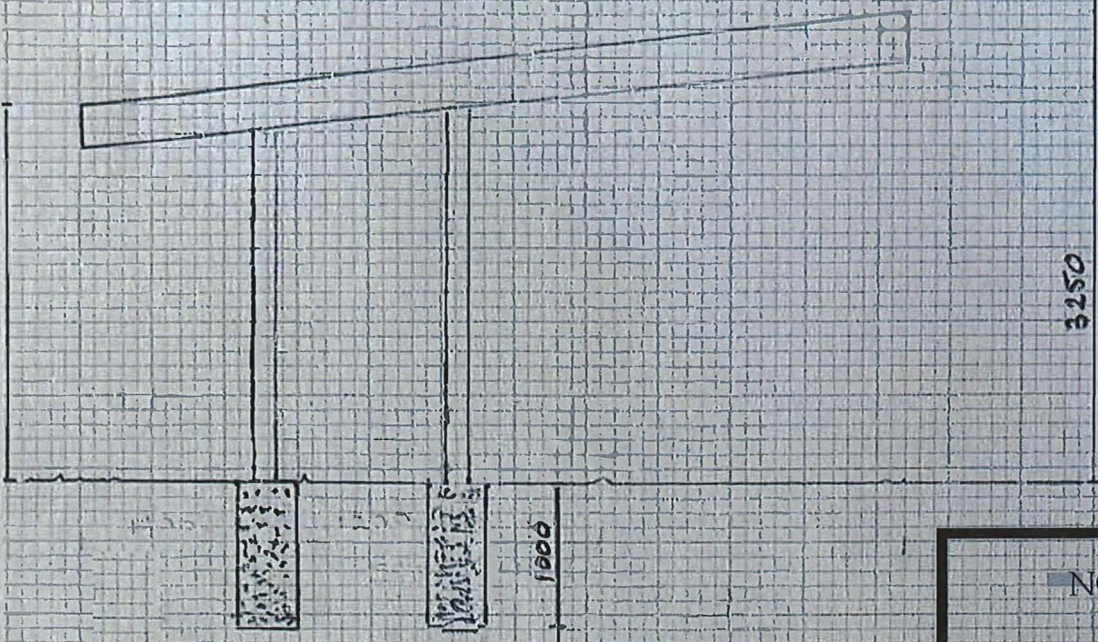


SCALE 1:50
ROOF PITCH 5°

PROPOSED COVERED ROOF AREA

POSTS 150x150
BEAM 300x100
PERLIN 150x50

NORTH ELEVATION



3250

1500

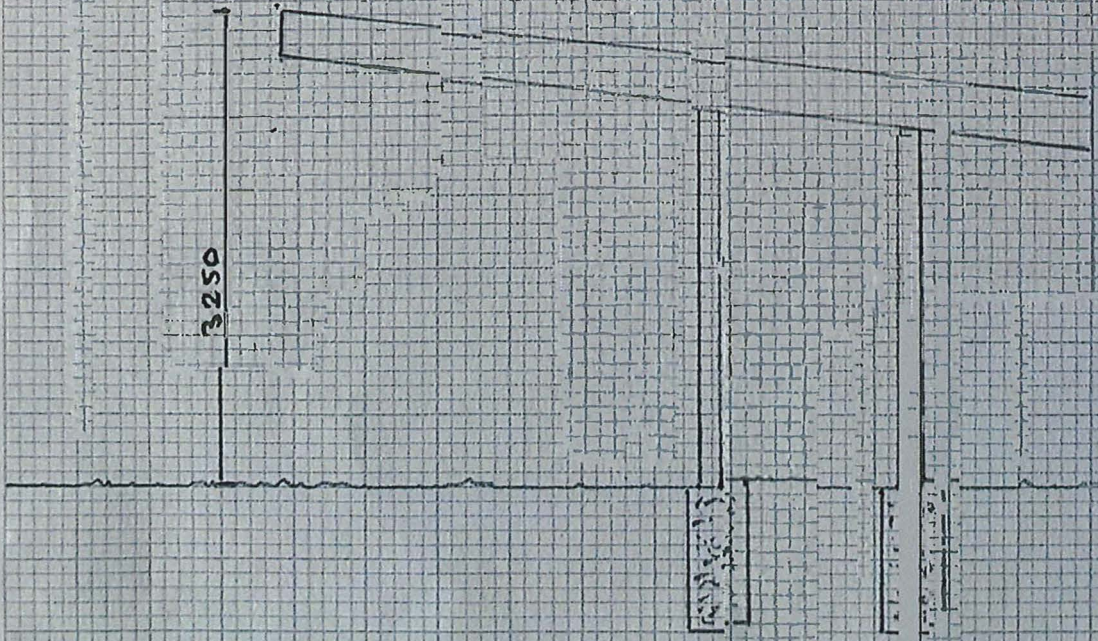
12100

11500

3000

5700 c/a

SOUTH ELEVATION



3250

2600

NORFOLK ISLAND
Regional Council

APPROVED PLANS

Application Number: DABA 36/2024

Approved *20/1/25*

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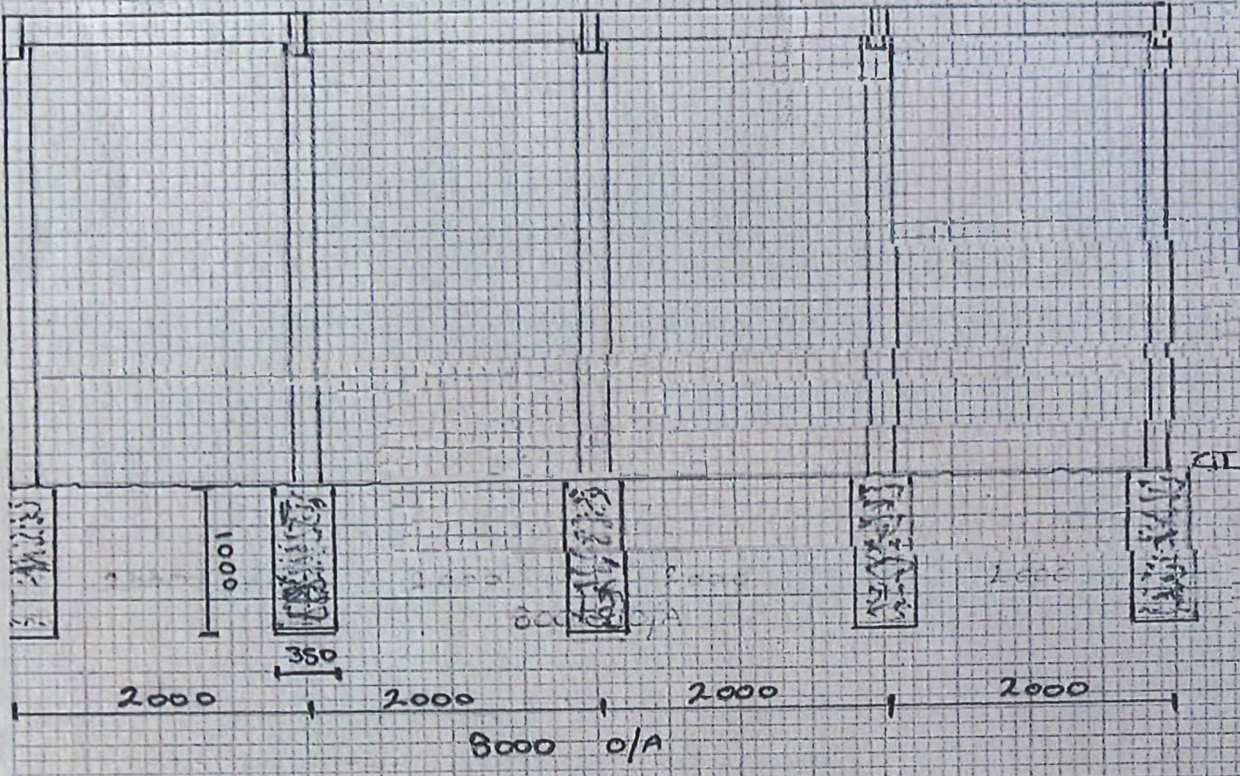


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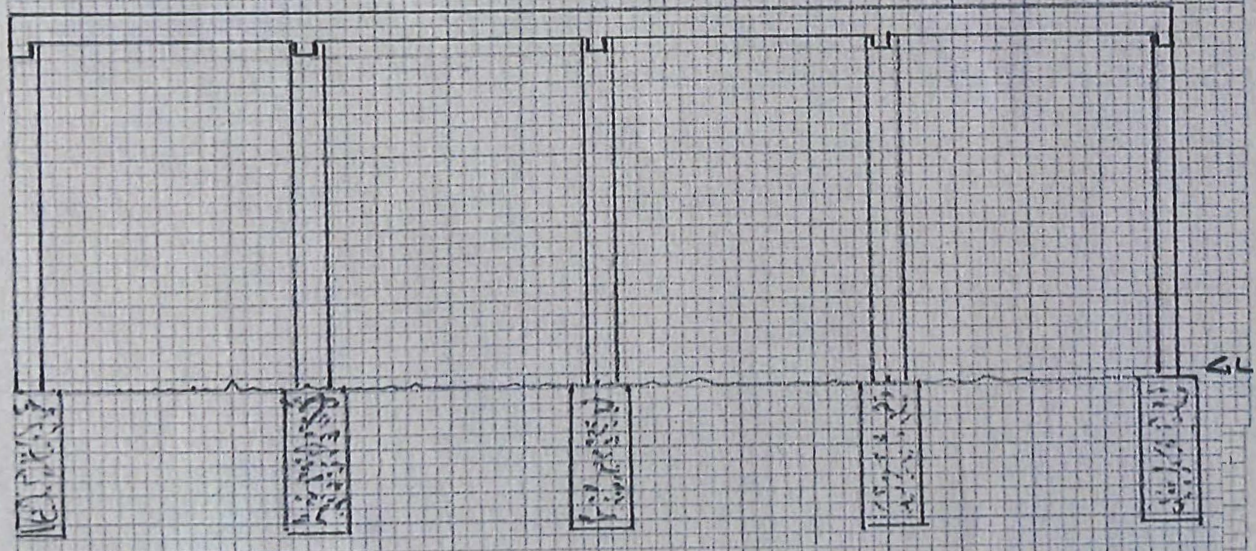
PROPOSED COVERED ROOF AREA

POSTS 150x150
BEAM 300x100
PERLIN 150x50

WEST ELEVATION



EAST ELEVATION



NORFOLK ISLAND
APPROVED PLANS
Application Number: DABA 36/2024
Approved
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PROPOSED COVERED WALK WAY
EAST ELEVATION

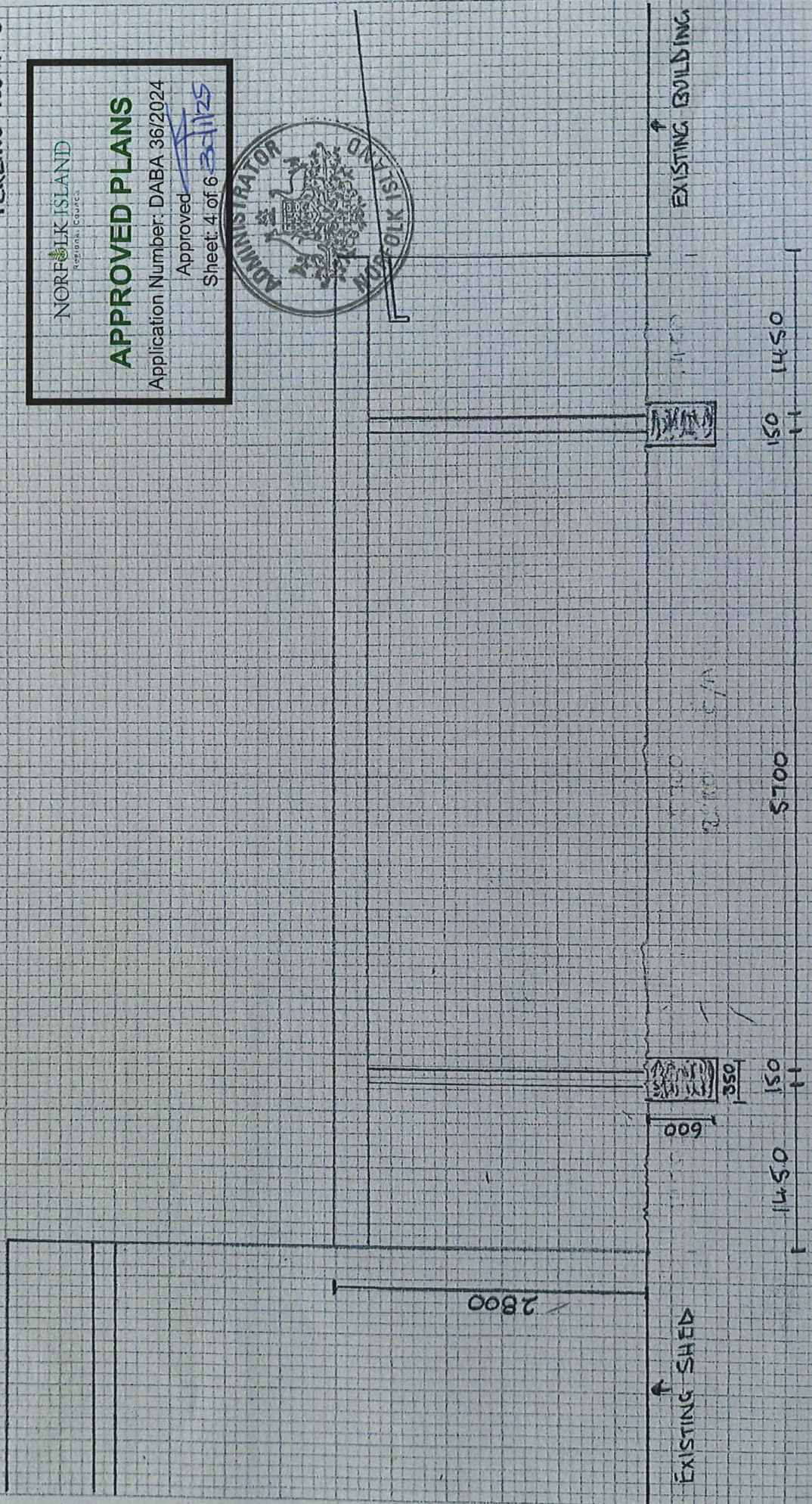
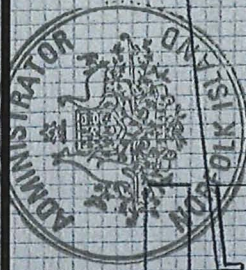
SCALE 1:50
ROOF PITCH 5°

BEAM 300 x 150
POSTS 150 x 150
PERLINS 150 x 50

NORFOLK ISLAND
REGIONAL COUNCIL

APPROVED PLANS

Application Number: DABA 36/2024
Approved
Sheet: 4 of 6



2800

↑
EXISTING SHED

↑
EXISTING BUILDING

1450

150

5700

1450

150

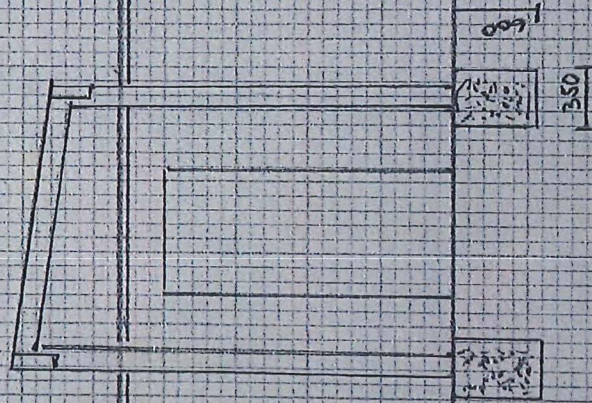
11

SCALE 1:50

PROPOSED COVERED WALKWAY

SOUTH ELEVATION

BEAM 300x100
POST 150x150
PERUN 150x50
RAFTER 150x50



2000

350

600

12500 TO EXISTING CORNER OF BUILDING →

NORFOLK ISLAND
Regional Council

APPROVED PLANS

Application Number: DABA 36/2024

Approved
[Signature]

Sheet 5 of 6



SCALE 1:50

PROPOSED COVERED WALKWAY

NORTH ELEVATION

EXISTING SHED

BEAM 300 x 100
POST 150 x 150
PURLIN 180 x 50
RAFTER 150 x 50

NORFOLK ISLAND
Regional Council

APPROVED PLANS

Application Number: DABA 36/2024

Approved

Sheet: 6 of 6

