



# PLANNING (AMENDMENT) REGULATIONS 2010

## Regulations No. 5 of 2010

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I, Owen Edward John Walsh, Administrator of Norfolk Island, acting in accordance with the advice of the Executive Council of Norfolk Island, make the following Regulations under section 100 of the *Planning Act 2002*.

Dated 1 June 2010.

O.E.J. Walsh  
Administrator

By His Honour's Command

T.J. Sheridan

Minister for Community Services

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### Short title

1. These Regulations may be cited as the *Planning (Amendment) Regulations 2010*.

### Commencement

2. These Regulations commence on the day notification of their being made is published in the Gazette.

### Interpretation

3. The *Planning Regulations 2004* are the Regulations.

### Amendment of the Regulations

4. The Regulations are amended as set out in the respective items in the Schedule.

### Schedule

Item	Amendment
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1.	<b>Regulation 3</b>
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(1)	Re-number regulation 3 as subregulation 3(1);
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(2)	Insert subregulation (2)—
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“(2) Unless the contrary intention is clear, expressions used in these Regulations bear the same meaning as provided in the Act.”.

**2. Regulation 43**

Repeal definitions of—

“Development activity”; “Floor area”; and “Internal wall”.

**3. Regulation 44**

Repeal regulation 44 and substitute—

**“Fees**

**44. (1)** For the purposes of paragraph 34(2)(d) of the Act, the fee for a development application is in accordance with Table 1 of Schedule 3.

**(2)** Where a development application is lodged for more than one use or development, only the highest of the fees listed in Table 1 for the applicable use or development is payable.

**(3)** Fees are not payable by the Commonwealth, an authority of the Commonwealth, the Administration or a Territory authority.

**(4)** For the purposes of paragraph 53(3)(c) of the Act, the fee for a development approval modification application is in accordance with Table 2 of Schedule 3.

**(5)** For the purposes of subsection 9(2) of the Act, the fee for a variation to the Norfolk Island Plan is in accordance with Table 3 of Schedule 3.

**(6)** If an application made under subsection 45(1) or 45(3) is withdrawn, the prescribed fee paid shall be refunded in accordance with the following provisions –

**(a)** if the assessment of the application has not yet commenced – the fee less 10%;

**(b)** if the assessment of the application has commenced but no recommendation has been made by the Chief Executive Officer – the fee less 50%; but

**(c)** if the Chief Executive Officer has made a recommendation there shall be no refund.

**(7)** For the purposes of subsection 98(2) of the Act, the prescribed fee for a planning certificate is four Fee Units.”.

4. **Schedule 3**

Repeal Schedule 3 and substitute—

**“SCHEDULE 3  
FEES FOR PLANNING APPLICATIONS**

**Table 1***Subregulation 44(1)*

USE OR DEVELOPMENT	PRESCRIBED FEE (FEE UNIT)	
	“PERMITTED”	“PERMISSIBLE (WITH CONSENT)”
Agriculture	9	23
Airport	23	46
Business premises	14	32
Car Park (sole development proposal)	14	32
Child Care Centre	9	23
Club	14	32
Concrete Batching Plant	32	46
Dangerous Goods Store	32	46
Depot	32	46
Educational Establishment	9	23
Filling / Earthworks (sole development proposal)	14	32
Food Premises	14	32
Forestry	14	32
Garden Centre	14	32
Home Industry	5	14
Home Occupation	5	14
Hospital	14	32
Hotel	32	46
Indoor Sport and Recreation Facility	14	32
Industry (rural, general & light)	23	46
Industry (extractive, noxious, hazardous & offensive)	32	46
Intensive Animal Husbandry	23	46
Licensed Club	32	46
National Park	-	-
Open Space	9	23

Outdoor Sport and Recreation Facility	14	32
Park	9	23
Place of Assembly	14	32
Place of Public Worship	14	32
Public Building	-	-
Public Works (major)	-	-
Public Works (minor)	-	-
Residence/Resort (new: fee per each net additional residence)	14	32
Residence/Resort (extension, alteration, garage, deck, etc)	9	23
Road (sole development proposal)	-	-
Salvage Yard	14	32
Service Station	32	46
Shop – Local	14	32
Shop	14	32
Tourist Facility	23	46
Vehicle Sales or Hire Yard	14	32
Veterinary Establishment	23	46
Warehouse Premises	14	32
Wharf	32	46
Subdivision involving net additional lots	23	23
Subdivision involving consolidation / boundary realignment	14	14
Demolition (sole development proposal)	9	23
Change of use (i.e no development activity)	9	23
Sign (sole development proposal)	2	5

**Table 2***Subregulation 44(4)*

The fee for an application to modify a development approval shall be the greater of:

- (1) if the value of the work in the modification is less than or equal to the value of the work in the original plans, 30% of the original application fee; or
- (2) if the value of the work in the modification is higher than the value of the work in the original plans, an amount equal to the difference between the original fees paid and the fee that would have been payable if the modified plans had been submitted for approval as the original plans.

**Table 3***Subregulation 44(5)*

<b>Variation to the Norfolk Island Plan</b>	<b>Prescribed fee units</b>
The fee for an application to vary The Norfolk Island Plan	46 ”

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Commenced on gazettal (4 June 2010)

This instrument amends Regulation No. 2 of 2004 as consolidated as at 30 March 2004.

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