



# PLANNING REGULATIONS 2004

[Consolidated as at 5 June 2010]

on the authority of the Administrator  
and in accordance with  
the *Enactments Reprinting Act 1980*]

[NB – re-issued 27 August 2010 to correct typographical errors]

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## Planning Regulations 2004

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### PART 1 — PRELIMINARY

#### Short title

1. These Regulations may be cited as the *Planning Regulations 2004*.

#### Commencement

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

#### Interpretation

3. In these Regulations, unless the contrary intention appears —

(1) “Act” means the *Planning Act 2002*;

“approved form” means a form approved by the Chief Executive Officer under Regulation 4.

(2) Unless the contrary intention is clear, expressions used in these Regulations bear the same meaning as provided in the Act.

#### Forms

4. (1) If a provision of these Regulations requires a person to use an approved form, the Chief Executive Officer shall approve a form for the purpose of the provision.

(2) A person may ask the Chief Executive Officer for a document setting out an approved form.

(3) The Chief Executive Officer shall comply promptly with the request.

### PART 2 — THE NORFOLK ISLAND PLAN

#### *Division 1 — Variation of the Plan*

#### Application for variation of the Plan

5. An application to the executive member for variation of the Plan to accommodate a specific use or development of land shall be in the approved form.



**Arrangements for environmental study under subsection 9(3) of the Act**

6. (1) This Regulation applies where, under subsection 9(3), of the Act, the executive member causes any aspect of, or proposal for, the Plan to be the subject of an environmental study for an application to vary the Plan.

(2) The executive member may do one or more of the following —

- (a) specify the matters to be addressed in the study;
- (b) require the applicant to pay full costs for that study;
- (c) arrange for an independent study to be prepared at the applicant's expense.

**Public consultation on draft plan**

7. (1) A notice about a draft plan published in the Gazette under subsection 11(1) of the Act shall include the following —

- (a) a description of the land to which the draft applies which may include a map of the land;
- (b) details of the current zoning of the land;
- (c) the aim and intent of the draft plan;
- (d) where the draft plan is accompanied by an environmental study; a statement that the reports on the study are also available for inspection;
- (e) for a draft variation to the Plan proposed under subsection 9(2) of the Act, a statement that details of the proposed use or development of the land and reasons for the variation are also available for inspection;
- (f) details of the venues where the draft plan and accompanying information may be inspected;
- (g) details of the dates and times that the draft plan may be inspected;
- (h) a statement that —
  - (i) any person may, by a specified date, make written submissions to the Chief Executive Officer about the draft plan; and

- (ii) if a submission objects to the proposed plan, the grounds for objection must be specified in the submission.

(2) The notice shall be published in the Gazette before the period for public inspection begins.

### **Public inspection period**

8. The minimum period for public inspection of a draft plan under section 11 of the Act shall be 28 days.

### **Report on public consultation for Legislative Assembly**

9. (1) A report about the public consultation undertaken in relation to the draft plan, prepared under paragraph 12(1)(b) of the Act, shall include —

- (a) details of who has been consulted about the draft plan including any public authorities or community groups; and
- (b) details of who made a submission and a summary of the significant planning issues raised in the submissions; and
- (c) an analysis of the issues raised in the submissions and how those issues have been dealt with in the final draft; and
- (d) details of any changes to the draft plan made since it was made available for public inspection.

(2) However, the notice may omit any information which under subsection 97(4) of the Act would be exempt information.

### **Notices after Legislative Assembly's resolution under subsection 12(4) of the Act**

10. (1) This regulation applies where the Legislative Assembly passes a resolution in accordance with subsection 12(4) of the Act.

(2) Notice of the commencement of an approved draft plan under section 14 of the Act shall be published in the Gazette within 10 days of the Legislative Assembly's resolution.

(3) If the Legislative Assembly rejects the draft plan, the executive member shall within 10 days of the Legislative Assembly's resolution publish notice of the resolution in the Gazette advising that decision and the reasons for that decision.

(4) Where a draft plan relates to an application referred to in subsection 9(2) of the Act, the Chief Executive Officer shall give the applicant notice of the Legislative Assembly's resolution.

(5) If the resolution referred to in subsection 10(4) approves the draft plan, the notice —

- (a) shall be issued within 10 days of the Legislative Assembly's resolution; and
- (b) shall —
  - (i) describe the land to which the approved draft plan applies; and
  - (ii) state details on any changes to the draft plan since it was made available for public inspection; and
  - (iii) state when the approved draft plan commences under section 13 of the Act.

**References to approved draft plans**

**11. (1)** Approved draft plans shall be designated in a way determined by the Chief Executive Officer that indicates the chronological order in which the plans have been made.

**(2)** A schedule listing all approved draft plans shall be kept but shall not form part of the Plan.

**PART 3 — DEVELOPMENT CONTROL PLANS****Format for development control plans**

**12.** For subsection 19(3) of the Act, a development control plan shall set out or include each of the following as are relevant to the development control plan —

- (a) a title or name of the development control plan;
- (b) the purpose or aims and objectives of the development control plan;
- (c) the land to which the development control plan applies;
- (d) the relationship between the development control plan and any other plans;
- (e) how the development control plan will operate and be implemented;
- (f) maps, plans, diagrams, illustrations and the like to facilitate understanding of the development control plan;
- (g) the roles and responsibilities of the Administration and other public authorities in the implementation of the development control plan;
- (h) other matters considered necessary to achieve the aims and objectives of the development control plan.

**Public consultation — Gazette notice**

**13. (1)** A notice published in the Gazette under subsection 21(1) of the Act shall set out or include the following —

- (a) a description of the land to which the draft development control plan applies, which may include a map of the land;
- (b) the aim and intent of the draft development control plan;
- (c) details of the venues where the draft development control plan may be inspected;
- (d) details of the dates and times when the draft development control plan may be inspected;
- (e) A statement that —
  - (i) any person may, by a specified date, make written submissions to the Chief Executive Officer about the draft development control plan; and
  - (ii) if a submission objects to the draft development control plan, the grounds for objection must be specified in the submission.

**(2)** The notice shall be published in the Gazette before the period for public inspection begins.

**Public inspection period**

14. The minimum period for public inspection of a draft development control plan under section 21 of the Act shall be 28 days.

**Notices after executive member's decision under section 22 of the Act**

15. (1) Notice of the executive member's decision on a draft development control plan shall be published in the Gazette within 10 of days after the executive member's decision.

(2) If the executive member decides not to proceed with the draft development control plan under section 22(b) of the Act, the notice shall include the reasons for that decision.

**PART 4 — DEVELOPMENT APPROVAL PROCESS****Development application form**

16. A development application to the Chief Executive Officer under Part 5 of the Act shall be in the approved form.

**Acceptance of application forms**

17. (1) The Chief Executive Officer may, but is not bound to, receive a development application for processing although the requirements of section 34 of the Act may not have been met.

(2) Receiving a development application for processing under subsection 17(1) is not an acceptance of the application for section 35 of the Act.

(3) On receiving an application for processing, the Chief Executive Officer shall —

- (a) allocate the application a development application registration number; and
- (b) register the application in accordance with Part 10 of these Regulations.

(4) The development application registration number shall be used in all references to the development application.

**Copies of development application**

18. The applicant for development approval for permissible (with consent) use or development of land shall provide the Chief Executive Officer with as many copies of the development application and supporting documentation as the Chief Executive Officer reasonably requires for public inspection under subsection 43(3) of the Act.

**Notice of development applications for permissible (with consent) use or development**

19. A notice published in the Gazette under subsection 43(1) of the Act shall be titled "Development Application" and include the following information —

- (a) the development application registration number of the development application;
- (b) if the development has a name, the name;
- (c) the name and address of the applicant;
- (d) the land description and address of the land for which the development is proposed;

- (e) a summary of the proposed development;
- (f) whether or not the development application is accompanied by an environmental impact statement;
- (g) details of all venues where the development application may be inspected;
- (h) the specified period of time in dates that the development application may be inspected;
- (i) a statement that —
  - (i) any person may, during the period specified in section 19(h), make written submissions to the Chief Executive Officer about the development application; and
  - (ii) if a submission objects to the proposed development, the grounds for objection must be specified in the submission; and
  - (iii) the decision of the executive member under subsections 44(7) and 44(8) of the Act is a reviewable decision within the meaning of subsection 78(1) of the Act; and
  - (iv) where a person has been appointed under section 91 of the Act to inquire into and make recommendations on matters relevant to the decision makes a recommendation, the decision is a reviewable decision only to the extent the decision does not conform with the recommendation.

**Display of notices of development applications on land**

**20.** For subsection 42(2) of the Act, a notice of a development application that is to be displayed shall —

- (a) be displayed on a sign post or board; and
- (b) be at least A4 in size and weather proof; and
- (c) be clear and legible and displayed where visible from a public road; and
- (d) be headed clearly “DEVELOPMENT APPLICATION”; and
- (e) briefly describe the nature of the proposed development; and
- (f) state that further information on the development application can be obtained from the Administration.

**Original development application registration number retained on amendment of development application**

**21.** An amended development application shall retain its original development application registration number.

**Notice of amended development application for permissible (with consent) use or development**

**22.** A notice issued under subsection 38(3) of the Act shall include the information prescribed under Regulation 19 as if the application as amended were the original application but the notice shall —

- (a) be titled “Amended Development Application”; and
- (b) include a statement that the development application is amended and specifying the nature of the amendment.

**Processing development applications for permitted use or development**

**23. (1)** For subsection 41(4) of the Act, relevant documents in relation to a development application for permitted use or development shall include a report addressing all the matters to be considered under section 46 of the Act in relation to the application to the extent that the matter is relevant to the application.

**(2)** A recommendation by the Chief Executive Officer under subsection 41(4) of the Act may include recommended conditions of approval.

**(3)** The executive member shall give approval under subsection 41(5) of the Act in the approved form within 10 days of making the decision to approve the development application.

**Processing development applications for permissible (with consent) use or development**

**24.** The report the Chief Executive Officer refers to the Board under subsection 41(4) of the Act shall include —

- (a) a summary of the planning issues raised in the public submissions received during the public inspection period including how the issues have been addressed; and
- (b) consideration of each matter prescribed in section 46 of the Act to the extent that the matter is relevant to the application; and
- (c) consideration of any other relevant matters; and
- (d) a recommendation to approve or refuse approval of the development application; and
- (e) recommended conditions of approval, if any.

**Notice to applicant of determination of development application for permissible (with consent) use or development**

**25.** A notice issued by the executive member to an applicant under subsection 47(1) of the Act shall be in the approved form.

**Notice in the Gazette of executive member's decision on development applications for permissible (with consent) use or development**

**26.** A notice published in the Gazette under subsection 48(1) of the Act about a development application shall state —

- (a) the development application registration number; and
- (b) the name and address of the applicant; and
- (c) the land description and address of the land the subject of the development application; and
- (d) a description of the proposed development; and
- (e) whether the development application has been refused or approved; and
- (f) if the application is approved whether the approval is subject to conditions; and
- (g) the date of the executive member's decision; and

- (h) the decision and accompanying documents are available for public inspection, free of charge, at a specified office of the Administration during usual business hours; and
- (i) the rights of the applicant and persons who made written submissions on the development application to apply to the Administrative Review Tribunal for a review of the decision under section 79 of the Act.

## **PART 5 — ENVIRONMENTAL IMPACT ASSESSMENT**

### **Prescribed use or development**

**27. (1)** For section 45 of the Act, the use or development specified in Schedule 1 is a prescribed use or development.

**(2)** An applicant for development approval for prescribed use or development shall provide the Chief Executive Officer with —

- (a) details of the proposed use or development and the subject land; and
- (b) a request for directions under subsection 45(5) of the Act in relation to the application.

**(3)** The Chief Executive Officer shall give a direction under subsection 45(5) of the Act within 21 days of the applicant's request for a direction.

### **Requirements for environmental impact statement**

**28.** For paragraph 45(5)(a) of the Act, the requirements for an environmental impact statement are that the following matters shall be included in the statement —

- (a) the matters set out in Schedule 2; and
- (b) such other matters as are specified in the direction given under subsection 45(5) of the Act for the development application.

### **Copies of the environmental impact statement**

**29.** The applicant for development approval for permissible (with consent) use or development of land shall provide the Chief Executive Officer with as many copies of the environmental impact statement for the proposed use and development as are reasonably required for the purposes of the Act.

### **Charges for copies and extracts of the environmental impact statement**

**30.** Where the Chief Executive Officer makes copies of or extracts from the environmental impact statement or any supporting information to supply to any person, the Chief Executive Officer may charge the person the reasonable cost of making the copies.

## **PART 6 — MODIFICATION OF DEVELOPMENT APPROVALS**

### **Forms for development approval modification application**

**31.** An application to modify a development approval under section 52 of the Act shall be in the approved form.

### **Criteria whether proposed modified use or development is substantially the same use or development**

**32. (1)** This Regulation applies to determinations under section 51 of the Act whether a use or development under a development approval modification application, if modified, is generally in accordance with and remains substantially the same use or development as the use or development for which consent was originally granted.

**(2)** The likely impacts of the proposed modified use or development shall be compared with the impacts of the original use or development, including the environmental, social, and economic impacts.

**(3)** The following matters must be considered in assessing the potential impacts under subregulation 32(2) —

- (a)** the proposed modified use or development including all modifications made to it since the original development approval was granted;
- (b)** any changes in the external environment that have occurred since the original development approval was granted.

### **Registration of development approval modification applications**

**33. (1)** On accepting a development approval modification application for processing, the Chief Executive Officer shall register in accordance with Part 10 of the Regulations with the registration for the original development application —

- (a)** the application; and
- (b)** details required under Part 9 of the Regulations.

**(2)** A development approval modification application shall retain the original development application registration number.

### **Notices to applicant of determination of a development approval modification application**

**34.** A notice issued by the executive member under section 59 of the Act shall be in the approved form.

## **PART 7 — DEVELOPMENT CONTRIBUTIONS SCHEMES**

### **Public Consultation — Gazette notice**

**35. (1)** A notice published in the Gazette under subsection 66(1) of the Act shall set out the following —

- (a)** the name of the draft development contributions scheme;
- (b)** the aim and intent of the draft development contributions scheme;
- (c)** a description of the land to which the draft development contributions scheme applies, which may include a map of the land;
- (d)** details of the venues where the draft development contributions scheme may be inspected;

- (e) details of the dates and times when the draft development contributions scheme may be inspected;
- (f) a statement that —
  - (i) any person may, by a specified date, make written submissions to the Chief Executive Officer about the draft development contributions scheme; and
  - (ii) if a submission objects to the draft development contributions scheme, the grounds for objection must be specified in the submission.

(2) The notice shall be published in the Gazette before the period for public inspection begins.

#### **Public inspection period**

**36.** The minimum period for public inspection of a draft development contributions scheme under section 66 of the Act shall be 28 days.

#### **Report on public consultation for Legislative Assembly**

**37. (1)** A report on the public consultation undertaken in relation draft development contributions scheme prepared under paragraph 67(1)(b) of the Act shall include —

- (a) details of who has been consulted about the draft including any public authorities, community groups; and
- (b) details of who made a submission and a summary of the significant planning issues raised in the submissions; and
- (c) an analysis of issues raised in the submissions and how those issues have been dealt with in the final draft; and
- (d) details of any changes to the draft development contributions scheme made since it was made available for public inspection.

(2) However, the notice may omit any information which under subsection 97(4) of the Act would be exempt information.

#### **Notices after Legislative Assembly's resolution under subsection 67(4) of the Act**

**38. (1)** This regulation applies where the Legislative Assembly passes a resolution in accordance with subsection 67(4) of the Act.

(2) Notice of the commencement of an approved development contributions scheme under section 68 of the Act shall be published in the Gazette within 10 of days of the Legislative Assembly's resolution.

(3) If the Legislative Assembly rejects the draft development contributions scheme, the executive member shall within 10 days of the Legislative Assembly's resolution publish notice of the resolution in the Gazette advising that decision and the reasons for that decision.

#### **References to approved development contributions schemes**

**39.** Approved development contributions schemes shall be designated in a way determined by the Chief Executive Officer that indicates the chronological order in which the schemes have been made.

### **Annual Financial Report - Development Contribution Schemes**

**40.** The Chief Executive Officer shall ensure that the following information is disclosed for each contribution scheme in the Administration's annual financial report —

- (a) the opening and closing balances of all money held by the Administration for the accounting period covered by the report;
- (b) the total amounts received by way of monetary contributions during that period, by reference to the various kinds of public amenities or services for which they have been received;
- (c) the total amounts spent in accordance with the contributions schemes during that period, by reference to the various kinds of public amenities or services for which they have been spent;
- (d) the outstanding obligations of the Administration to provide public amenities or services, by reference to the various kinds of public amenities or services for which monetary contributions have been received during that or any previous accounting period.

### **Public access to financial report**

**41.** The Administration's Financial Report with respect to the information required to be provided in that Report under Regulation 41 shall be available for inspection.

## **PART 8 — ENFORCEMENT**

### **Compliance order where unapproved development activity**

**42.** A compliance order issued by an authorised officer under section 81 of the Act shall be in the approved form.

## **PART 9 — FEES**

### **Definitions**

**43.** In this Part 9 unless the contrary intention appears —

....

“fee unit” means the standard fee unit;

....

### **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.

## PART 10 — MISCELLANEOUS

### Planning Certificates

45. The prescribed matters relating to land to be set out in a certificate issued under subsection 98(3) of the Act are as follows —

- (a) a description of the parts of the Plan, development control plans and development contributions schemes which apply to the land including —
  - (i) the land use zone of the land under the Plan; and
  - (ii) the names of each development control plan applying to the land; and
  - (iii) the names of each development contributions scheme applying to the land; and
  - (iv) any draft plans, draft development control plans or draft development contributions schemes which affect the land that have been publicly displayed but on which no determination has been made;
- (b) the use or development of land which, under the Plan and the Act may be carried out on the land without development approval;
- (c) the use or development of land which under the Plan and the Act may not be carried out on the land without development consent;
- (d) the use or development of the land which under the Plan or instrument is prohibited development;
- (e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling or any other building or structure on the land and, if so, the minimum land dimensions so fixed;
- (f) whether any heritage items described in Schedule 1 of the Plan are on the land;
- (g) whether or not the land is affected by any road project under the *Roads Act 2002*;
- (h) any other matters which affect or may affect the land considered relevant by the Chief Executive Officer.

**Formalities for public submissions**

**46. (1)** This Regulation applies to submissions made in response to an invitation for public submissions under the Act.

**(2)** A submission —

- (a) may be made by any person, organisation or group; and
- (b) must be in writing; and
- (c) must be signed by at least one person making the submission; and
- (d) if the submission objects to any proposal, must specify the grounds for objection.

**(3)** However, the notice may omit any information which under subsection 97(4) of the Act would be exempt information.

**Register of development applications and approvals**

**47. (1)** The Chief Executive Officer shall maintain a Development Application and Approvals Register.

**(2)** The Development Application and Approvals Register shall contain the following details —

- (a) for each development application accepted by the Chief Executive Officer under section 35 of the Act —
  - (i) the registration number;
  - (ii) the name and address of each applicant;
  - (iii) a description of the land to which the development application relates;
  - (iv) the date that the development application was accepted;
  - (v) the amount and date of payment of any fees paid in connection with the development application;
  - (vi) whether the development application is for permitted use or development or for permissible (with consent) use or development;
  - (vii) whether an environmental impact assessment has been carried out and an environmental impact statement provided;
  - (viii) the date when the development application was determined;
  - (ix) a copy of any approval issued to the applicant including any conditions of approval;
  - (x) the date of publication in the Gazette of the decision on the development application;
  - (xi) any modification to the development application;
- (b) for each development approval modification application —
  - (i) the name and address of each applicant;
  - (ii) a description of the land to which the development approval modification application relates;
  - (iii) the date that the development approval modification application was accepted;

- (iv) the amount and date of payment of any fees paid in connection with the development approval modification application;
- (v) whether the development approval modification application is for permitted use or development or for permissible (with consent) use or development;
- (vi) the date when the development approval modification application was determined;
- (vii) a copy of any approval issued to the applicant including any conditions of approval;
- (viii) any modification to the development approval modification application.

**Instrument of appointment of authorised officers**

**48.** An instrument of appointment of an authorised officer shall be in the approved form and signed by the officer.

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**SCHEDULE 1**  
**PRESCRIBED USE OR DEVELOPMENT**

*Regulation 27*

Airport  
Concrete Batching Plant  
Dangerous Goods Store  
Depot  
Filling (more than 50 cubic metres of material)  
Restaurants in any zone other than Mixed Use or Business  
Industry General  
Industry – Noxious, Hazardous or Offensive  
Industry – Extractive  
Industry – Rural  
Intensive Animal Husbandry  
Licensed Club in any zone other than Mixed Use or Business  
Public Works - Major  
Residence – Accommodation Units – more than 10 units  
Residence – Residential Care Establishment – more than 10 units  
Resort  
Road  
Salvage Yard  
Service Station  
Tourist Facility  
Warehouse Premises  
Wharf

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**SCHEDULE 2**  
**MATTERS TO BE INCLUDED IN ENVIRONMENTAL STATEMENT**

*Regulation 28*

**1. Introduction**

An introduction to the environmental impact statement which includes —

- (a) the name and address and, where applicable, professional qualifications of the person who prepared the statement; and
- (b) the name and address of the applicant or person who made the development application; and
- (c) the property description and address of the land subject to the development application; and
- (d) a description of the proposed use or development to which the environmental impact statement relates; and
- (e) a statement that the information contained in the statement is neither false nor misleading.

**2. Statement of objectives**

A statement of the objectives of the proposed use or development.

**3. Analysis of alternatives**

An analysis of any feasible alternatives to the carrying out of the proposed use or development having regard to its objectives, including the consequences of not carrying out the proposed use or development.

**4. Environmental assessment**

An analysis of the proposed use or development including —

- (a) a full description of the proposed use or development which may include plans, drawings, diagrams, figures and the like; and
- (b) a full description of the project site including a general physical description of the site, current land use, tenure and relevant planning controls applicable to the site; and
- (c) a description of the environment likely to be affected by the use or development, together with a detailed description of those aspects of the environment that are likely to be significantly affected; and
- (d) the likely impact on the environment of the use or development, covering the impacts on —
  - (i) the physical environment such as landforms, soils, water quality, watercourses, coast; underground aquifers; and
  - (ii) the human environment such as community, social and economic environment, traffic, noise, odour, visual amenity, public health, public infrastructure, potential impact on the heritage values of a heritage item listed in Schedule 1 of the Norfolk Island Plan; and
  - (iii) the non-human biological environment such as flora and fauna, habitats, aquatic ecology, ecosystems, biodiversity; and

- (e) an evaluation of the potentially beneficial impacts and the potentially negative impacts; and
- (f) an evaluation of the potential contribution of the proposed use or development towards cumulative environmental impacts and the implications for long term sustainability; and
- (g) an evaluation of the confidence with which predictions can be made including baseline data, previous experience, modelling, historical records, proven technology and the like; and
- (h) a full description of the measures proposed to mitigate any adverse effects of the use or development on the environment including —
  - (i) an assessment of the effectiveness of any safeguards or standards for the protection of the environment intended to be adopted or applied to the use or development; and
  - (ii) information describing where and in what circumstances proposed mitigation measures have been used successfully elsewhere; and
- (i) a full description of any monitoring programs to be implemented to ensure the effective performance of any safeguards or standards to be adopted or applied to the proposed use or development; and
- (j) a list of any approvals that must be obtained under any other Act or law before the use or development may lawfully be carried out.

#### **5. Compilation of measures to mitigate adverse effects**

A compilation (in a single section of the environmental impact statement) of the measures referred to in paragraph 4(h).

#### **6. Justification of development**

The reasons justifying the carrying out of the use or development in the manner proposed, having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development as explained in the guidelines.

#### **7. Alternatives**

A consideration of alternatives to the carrying out of the proposed use and development.

#### **8. Guidelines**

Any matters specified in any guidelines approved by the executive member for that type of use or development.

#### **9. Conclusion**

A summary of the potential benefits and disadvantages of the project and the key conclusions from the matters included under paragraphs 1 to 8.

#### **10. References, consultations and appendices**

All supporting material including relevant technical data.

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**SCHEDULE 3  
FEES FOR DEVELOPMENT 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)	-	-

USE OR DEVELOPMENT	PRESCRIBED FEE (FEE UNIT)	
	"PERMITTED"	"PERMISSIBLE (WITH CONSENT)"
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

**Table 4***Subregulation 44(3)***FEES FOR DEVELOPMENT APPROVAL MODIFICATION APPLICATIONS**

**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, 10% 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.

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**NOTES**

The *Planning Regulations 2004* as shown in this consolidation comprises Regulations No. 2 of 2004 and amendments as indicated in the Tables below.

<b>Enactment</b>	<b>Number and year</b>	<b>Date of commencement</b>	<b>Application saving or transitional provision</b>
<i>Planning Regulations 2004</i>	2, 2004	27.2.04	
<i>Planning Amendment Regulations 2004</i>	6, 2004	26.3.04	
[Previously consolidated as at 30 March 2004 incorporating amending Regulations listed above]			
<i>Planning (Amendment) Regulations 2010</i>	5, 2010	4.6.10	

**Table of Amendments**

ad = added or inserted      am = amended      rep = repealed      rs = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>	
3	am	5, 2010
43	am	5, 2010
44	rs	5, 2010
Schedule 3	rs	6, 2004; 5, 2010

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