
NORFOLK ISLAND PLAN 2002

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PRELIMINARY

INDEX

Clause	Page
PRELIMINARY	
P1. What is the Norfolk Island Plan?	10
P2. What area is subject to the Plan?	10
P3. What is the intent of the Plan?	10
P4. Are other approvals required in addition to those required under this Plan?	11
P5. Interpretation of the Plan	11
PART A – STRATEGIC PLAN	
SECTION 1 – GENERAL	14
1.1. What is the Strategic Plan?	14
1.2. What is the scope of the Strategic Plan?	14
1.3. What is the relationship between the Strategic Plan and the Zoning Scheme, Overlays and General Provisions?	14
1.4. Guide to users	15
SECTION 2 – PRINCIPAL AIM	16
2.1. What is the Principal Aim?	16
2.2. How will the Principal Aim be achieved?	16
SECTION 3 – OBJECTIVES	18
3.1. What are the objectives of the Strategic Plan?	18
3.2. How will the objectives of the Strategic Plan be achieved?	18
SECTION 4 – PREFERRED DOMINANT LAND USES	22
4.1. What are Preferred Dominant Land Uses?	22
4.2. High Rural / Conservation Value Preferred Dominant Land Use	22
4.3. Semi-Rural Preferred Dominant Land Use	23
4.4. Urban Preferred Dominant Land Use	24
4.5. Activity Node Preferred Dominant Land Use	26
PART B – PLANNING REQUIREMENTS	
PART B1 – ZONING SCHEME	30
1. Division of Norfolk Island into zones	30
2. Use or development of land in zones	31
3. What is “permitted (as of right) use or development”?	31
4. What is “permitted use or development”?	31
5. What is “permissible (with consent) use or development”?	31

6.	What is “prohibited use or development”?	32
7.	Use or development on other land within the Territory of Norfolk Island	32
8.	Use or development within the Norfolk Island National Park and Norfolk Island Botanic Garden	33
ZONES		
RURAL ZONE		34
9.	What is the intent of the Rural Zone?	34
10.	What are the objectives and guidelines for the Rural Zone?	34
11.	What are the subdivision standards for the Rural Zone?	34
12.	What are the development standards for the Rural Zone?	35
13.	Table of use or development – Rural Zone	36
RURAL RESIDENTIAL ZONE		37
14.	What is the intent of the Rural Residential Zone?	37
15.	What are the objectives and guidelines for the Rural Residential Zone?	37
16.	What are the subdivision standards for the Rural Residential Zone?	37
17.	What are the development standards for the Rural Residential Zone?	38
18.	Table of use or development – Rural Residential Zone	39
RESIDENTIAL ZONE		40
19.	What is the intent of the Residential Zone?	40
20.	What are the objectives and guidelines for the Residential Zone?	40
21.	What are the subdivision standards for the Residential Zone?	41
22.	What are the development standards for the Residential Zone?	41
23.	Table of use or development – Residential Zone	42
MIXED USE ZONE		43
24.	What is the intent of the Mixed Use Zone?	43
25.	What are the objectives and guidelines for the Mixed Use Zone?	43
26.	What are the subdivision standards for the Mixed Use Zone?	43
27.	What are the development standards for the Mixed Use Zone?	44
28.	Table of use or development – Mixed Use Zone	45
BUSINESS ZONE		46
29.	What is the intent of the Business Zone?	46
30.	What are the objectives and guidelines for the Business Zone?	46
31.	What are the subdivision standards for the Business Zone?	47
32.	What are the development standards for the Business Zone?	47
33.	Table of use or development – Business Zone	48
LIGHT INDUSTRY ZONE		49

34.	What is the intent of the Light Industry Zone?	49
35.	What are the objectives and guidelines for the Light Industry Zone?	49
36.	What are the subdivision standards for the Light Industry Zone?	49
37.	What are the development standards for the Light Industry Zone?	50
38.	Table of use or development – Light Industry Zone	51
INDUSTRIAL ZONE		52
39.	What is the intent of the Industrial Zone?	52
40.	What are the objectives and guidelines for the Industrial Zone?	52
41.	What are the subdivision standards for the Industrial Zone?	52
42.	What are the development standards for the Industrial Zone?	52
43.	Table of use or development – Industrial Zone	54
OPEN SPACE ZONE		55
44.	What is the intent of the Open Space Zone?	55
45.	What are the objectives and guidelines for the Open Space Zone?	55
46.	What are the subdivision standards for the Open Space Zone?	55
47.	What are the development standards for the Open Space Zone?	56
48.	Table of use or development – Open Space Zone	57
CONSERVATION ZONE		58
49.	What is the intent of the Conservation Zone?	58
50.	What are the objectives and guidelines for the Conservation Zone?	58
51.	What are the subdivision standards for the Conservation Zone?	58
52.	What are the development standards for the Conservation Zone?	59
53.	Table of use or development – Conservation Zone	60
SPECIAL USE ZONE		61
54.	What is the intent of the Special Use Zone?	61
55.	What are the objectives and guidelines for the Special Use Zone?	61
56.	What are the subdivision standards for the Special Use Zone?	61
57.	What are the development standards for the Special Use Zone?	61
58.	Table of use or development – Special Use Zone	62
AIRPORT ZONE		63
59.	What is the intent of the Airport Zone?	63
60.	What are the objectives and guidelines for the Airport Zone?	63
61.	What are the subdivision standards for the Airport Zone?	63
62.	What are the development standards for the Airport Zone?	64
63.	Table of use or development – Airport Zone	65

ROAD ZONE	66
64. What is the intent of the Road Zone?	66
65. What are the objectives and guidelines for the Road Zone?	66
66. What are the subdivision standards for the Road Zone?	66
67. What are the development standards for the Road Zone?	66
68. Table of use or development – Road Zone	67
PART B2 –OVERLAY PROVISIONS	70
69. What are the Overlays and how are they applied?	70
COASTAL ENVIRONMENT OVERLAY AND BUFFER AREA	70
70. What is the Coastal Environment Overlay and why is it important?	70
71. What are the Objectives of the Coastal Environment Overlay?	70
72. How will the objectives of the Coastal Environment Overlay be achieved?	71
HERITAGE OVERLAY	71
73. What is the Heritage Overlay and why is it important?	71
74. How is land identified on the Heritage Overlay Map protected?	72
75. How is development considered in the vicinity of land identified on the Heritage Overlay Map?	73
76. Notice to the Norfolk Island Planning and Environment Board	73
77. Use or Development in the Kingston and Arthur’s Vale Historic Area	74
OBSTACLE LIMITATION SURFACES OVERLAY	75
78. What are Obstacle Limitation Surfaces and why are they important?	75
79. What are the objectives of the Obstacle Limitation Surfaces Overlay?	75
80. Who must applications be referred to for use or development within the Obstacle Limitation Surfaces Overlay?	75
81. What must be considered when a development application within the Obstacles Limitation Surfaces Overlay is assessed?	75
PART B3 – GENERAL PROVISIONS	78
82. Use and Development Principles	78
83. Use	78
84. Character	78
85. Amenity	79
86. Environment	79
87. Heritage	80
88. Access and Parking	80

89. Infrastructure and Services	81
90. Social Interest	81
USE OR DEVELOPMENT APPLICATIONS, PERMISSIONS, CONSENTS AND EXEMPTIONS	82
91. How is use or development regulated?	82
92. Interpretation of single or multiple use or development	82
92A. What is single use or development?	82
92B. What is multiple use or development?	82
93. What do the terms "approval" and "consent" mean?	82
94. What do the terms "development approval" and "development application" mean?	83
95. When is a development application required and what information must the application contain?	83
96. What must be considered when a development application is assessed?	84
97. What consultation shall be undertaken before determining a development application?	85
98. Issuing a development approval	85
99. Lapse and renewal of development approval	86
100. What work may only be carried out with the granting of development approval?	86
101. What activities are exempt from requiring the grant of development approval?	86
102. Existing use or development rights	88
103. Land deemed to be within the Road Zone	88
104. Development of specific sites	89
PLAN VARIATIONS (INCLUDING REZONING)	89
105. General	89
106. Who can apply for rezoning of land or variation to the Plan?	89
107. How are rezoning applications or variations to the Plan assessed?	89
108. What consultation shall the executive member undertake before determining a variation (including a rezoning application to the Plan)?	89
109. How is approval given for a variation of the Plan (or rezoning) application?	90
SUBDIVISION APPLICATIONS	90
110. Applications for subdivision of land	90
DEFINITIONS	90
111. What are definitions and why are they used?	90
ADMINISTRATIVE DEFINITIONS	91
112. What are administrative definitions?	91
113. Table of administrative definitions	91

114. The administrative definitions	92
PURPOSE DEFINITIONS	98
115. What are purpose definitions?	98
116. Table of purpose definitions	98
117. The purpose definitions	99
PART B4 – SCHEDULES	111
SCHEDULE 1 – LIST OF BLOCKS SUBJECT TO THE PROVISIONS OF THE KAVHA REGULATORY CLAUSES	112
S1.1 Kingston and Arthur’s Vale Historic Area	112
SCHEDULE 2 – DEVELOPMENT OF SPECIFIC SITES	113
S2.1 Specific sites subject to clause 104	113
SCHEDULE 3 – Conversion Tables	114
S3.1 Summary Conversion Table	114
S3.2 Area Conversion Tables	115
S3.3 Length Conversion Tables	116
S3.4 Volume Conversion Table	116

PRELIMINARY

P1. What is the Norfolk Island Plan?

- (1) This Plan has been prepared in accordance with the provisions of the *Planning Act 2002* (the Act). It is intended to be the framework for the future development and land management of Norfolk Island. It is a response to the identified strategic planning issues facing Norfolk Island.
- (2) This Plan consists of two principal components:
 - (a) The Plan Written Statement, which is this document and which contains two Parts:
 - (i) Part A – Strategic Plan; and
 - (ii) Part B – Planning Requirements, which contains four Parts:
 - (i) Part B1 – Zoning Scheme;
 - (ii) Part B2 – Overlay Provisions;
 - (iii) Part B3 – General Provisions; and
 - (iv) Part B4 – Schedules.
 - (b) The Plan Maps, which show the various zones as described in clause 1 (Part B1), and other details of the Planning Area. The Plan Maps contain:
 - (i) the Strategic Plan Map;
 - (ii) the Zoning Map; and
 - (iii) the Overlay Maps.

P2. What area is subject to the Plan?

- (1) This Plan applies to the lands and water above mean high water mark and covers the whole of the Norfolk Island Planning Area.

(Users Note: The Planning Area includes Norfolk Island itself, Phillip Island, Nepean Island, and any other land above Mean High Water Mark within the Planning Area. Reference to the Administrative Definitions for definition of Planning Area, and Norfolk Island will assist in interpretation)

P3. What is the intent of the Plan?

- (1) The objectives to be pursued within the Planning Area are set out in Part A. These objectives are further integrated and underpinned in the Plan in Part B (in the zone intents and the use and development principles). Where any question arises as to the interpretation of effect of any part of this Plan, the objectives of Part A are foremost and the objectives of the individual zones are secondary.

P4. Are other approvals required in addition to those required under this Plan?

- (1) An approval granted or exemption from approval provided under this Plan shall not absolve any person from the need to obtain any licence, permit, approval or other sanction required by the Norfolk Island Government, Administration of Norfolk Island, Commonwealth of Australia, or any other Public Authority under any applicable legislation or regulation.

P5. Interpretation of the Plan

- (1) In this Plan Written Statement:
- (a) a reference to a clause, section, part or schedule shall be a reference to a clause, section, part or schedule of the Plan; and
 - (b) a reference to any Act, or Regulation shall be a reference to such Act or Regulation as amended or replaced from time to time.
- (2) In this Plan where a word is not defined in either the Administrative or Purpose Definitions in Part B, the meaning of the word is taken to be the meaning used in the Oxford Shorter English Dictionary.

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PART A

STRATEGIC PLAN

PART A

STRATEGIC PLAN

SECTION 1 – GENERAL

1.1 What is the Strategic Plan?

- (1) This Part of the Plan Written Statement sets out the intent of the Norfolk Island Government and people of Norfolk Island with respect to the long term preferred future use, development and management of land in the Planning Area. It provides the strategic planning framework within which land use and development decision making shall occur.

1.2 What is the scope of the Strategic Plan?

- (1) The Strategic Plan covers the whole of the Planning Area of Norfolk Island. It includes:
- (a) This text, which describes and explains the Norfolk Island Government’s intentions for future development within the respective Preferred Dominant Land Use Areas and Norfolk Island generally; and
 - (b) The Strategic Plan Map, which shows the Preferred Dominant Land Use Areas on the Island.
- (2) The Strategic Plan does not confer or remove any rights to use land. Such rights are established under Part B (Zoning Scheme, Overlay Provisions and General Provisions) of the Plan.
- (3) The Strategic Plan is intended to perform the following principal functions:
- (a) To guide the Norfolk Island Government’s future decisions in respect of use and development applications;
 - (b) To indicate to landowners, those wishing to use or develop land, and other interested parties, the intent for use or development of land on Norfolk Island that will be reflected in the way that land use and development proposals are assessed; and
 - (c) To provide a sound strategic planning framework for the coordination of land use and development, and infrastructure provision in order to promote the achievement of community aspirations.

1.3 What is the relationship between the Strategic Plan and the Zoning Scheme, Overlays and General Provisions?

- (1) The Strategic Plan has been prepared in conjunction with the Zoning Scheme, Overlay Provisions and General Provisions contained in Part B of this Plan Written Statement.

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- (2) The Strategic Plan includes the objectives for future use and development generally on Norfolk Island. The Zoning Scheme and Overlay Provisions represent a means of implementation of those general objectives at a local level and include the detailed intentions for future use and development within those zones and overlays.
 - (3) It is the purpose of the Strategic Plan Map and the statement of strategic aims and objectives in the Strategic Plan to convert the philosophy of the Strategic Plan to practical guidelines to be used in managing land use or development decision making on Norfolk Island. The Strategic Plan, which is underpinned by its aims and objectives, will serve as a basis for amendments to the Zoning Scheme and General Provisions, as well as being a guide to all land use or development decisions, including rezoning, subdivision, and use and development applications.
 - (4) Zoning, subdivision, and use and development decisions shall be consistent with the broad structure of the Strategic Plan and with the Strategic Plan Map that gives effect to the Aims and Objectives of the Strategic Plan.

1.4 Guide to users

- (1) The strategic aims and objectives of the Norfolk Island Plan found in sections 2 and 3 of the Strategic Plan, express the conceptual basis of the Plan. In making decisions about land use or development on Norfolk Island, these sections should be referred to. Section 2 contains aims and section 3 contains objectives that apply throughout Norfolk Island, and provisions for implementation of these objectives. However, more detailed guidance is intended to be obtained from section 4 of the Strategic Plan. Section 4 describes the intent for each Preferred Dominant Land Use area shown on the Strategic Plan Map, and the objectives and implementation criteria for these areas.

SECTION 2 – PRINCIPAL AIM

2.1 What is the Principal Aim?

- (1) The principal aim 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.

- (2) This principal aim is intended to be achieved by reaching a balance between conservation and development, which permits and encourages appropriate opportunities for viewing and experiencing Norfolk Island's special attractions, but also involves acknowledgment of the following principles:
- (a) Norfolk Island's environmental, landscape, and heritage qualities are valuable and vulnerable to change;
 - (b) Norfolk Island's infrastructure resources are relatively scarce;
 - (c) some forms of development are not desirable but need to be accommodated on Norfolk Island; and
 - (d) there is a need to limit the extent of development to maintain Norfolk Island's intrinsic, desirable attributes.
- (3) Through pursuit of this principal aim and the recognition of these principles, it is intended to promote the evolution of a sustainable environment and economy, and provide sustainable ways of accommodating the Island's residents and visitors in living environments that reflect the desires of residents and visitors.

2.2 How will the Principal Aim be achieved?

- (1) The principal aim of the Plan expressed in clause 2.1 of the Strategic Plan should be achieved by ensuring that the impact, location, extent, scale, configuration and appearance of use or development is in accordance with the detailed intent of this Strategic Plan as articulated in the objectives of the Strategic Plan.
- (2) The provisions contained in the zoning scheme, overlay provisions and in the general planning requirements provide complementary mechanisms for controlling the impact, nature, scale, density, configuration and appearance of use or development.
- (3) An important element in promoting the principal aim of the Plan as expressed in this Part of the Plan, is the designation of preferred dominant land use areas for Norfolk Island. These are indicated on the Strategic Plan Map, and explained in the written provisions of the Plan that describe the intent for the preferred dominant land use areas. Much of Norfolk Island is designated as either a High Conservation/Rural Value or a Semi-Rural Preferred Dominant Land Use area. These designations are intended primarily to promote the protection of Norfolk Island's ecology, landscape, and agricultural base.

The Urban Preferred Dominant Land Use area provides for compact expansion of Burnt Pine and its adjacent commercial area.

- (4) The internal configuration of the Urban Preferred Dominant Land Use area, (and to a lesser extent the Semi Rural Preferred Dominant Land Use area) as enabled by the zoning provisions, seeks to ensure separation of incompatible land use or development types. It also seeks to establish appropriate relationships between residential, tourism, business, industrial, community and open space purposes to enable pleasant and efficient functioning of the land within that urban area while minimising land use or development conflicts.
- (5) Tourism development is intended to be concentrated in the central commercial area, so as to retain the remainder of Norfolk Island in as undeveloped state as possible and therefore protect the intrinsic and distinctive qualities of the non-urban area which make Norfolk Island attractive to residents and tourists, and in so doing preserving the existing quality of life.
- (6) Among other things, the Strategic Plan sets a maximum level for urban growth, which is not to be exceeded in the life of this Plan. The option to limit growth permanently to this level is to be preserved for the duration of this Plan.

SECTION 3 – OBJECTIVES

3.1 What are the objectives of the Strategic Plan?

(1) The Objectives of the Strategic Plan are to:

- provide opportunities to foster the development of a diverse and prosperous economic base;
- provide an appropriate range of land use or development opportunities;
- provide for the effective and efficient use of facilities, infrastructure and services;
- encourage orderly and efficient use and management of resources;
- promote and safeguard the community's safety and welfare, and its social and cultural wellbeing;
- provide sustainable recreational and open space opportunities;
- promote high standards of visual amenity and protect significant landscapes; and
- protect and enhance Norfolk Island's environmental and heritage qualities.

3.2 How will the objectives of the Strategic Plan be achieved?

3.2.1 Objective – Provide opportunities to foster the development of a diverse and prosperous economic base

(1) The objective will be achieved by:

- (a) recognising that new initiatives will drive economic growth within reasonable environmental and social bounds;
- (b) enabling opportunities to occur that emerge with changing economic conditions while preserving valuable natural environments and viable agricultural land;
- (c) recognising that tourism practices are vital to economic prosperity and that these can co-exist with other land management and conservation practices and that they should not degrade the environment;
- (d) providing opportunities for appropriate new and emerging tourism operations to occur, in particular bona-fide eco-tourism, rurally based tourism, and thematically specialised tourism;
- (e) enabling a wide range of use or development opportunities in the existing commercial area; and
- (f) enabling appropriate rural industries to be developed and/or to continue to operate.

3.2.2 Objective – Provide an appropriate range of land use or development opportunities

(1) The objective will be achieved by:

- (a) ensuring that a range of uses and developments can occur and that options for these to occur are not unintentionally limited;
- (b) acknowledging that a range of use or development types that do not occur at present may be required in the future and that provision should be made for these to occur;

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- (c) recognising that because of the Island's relative isolation, some industrial processes are necessary and essential either now or in the future and that provision should be made for these facilities in suitably buffered locations;
 - (d) requiring relatively large minimum land parcel sizes in rural areas so that viable agricultural parcels of land are retained and encouraging group or community titling practices so that viable agricultural land is not sub-divided into small unviable parcels;
 - (e) limiting larger lot residential use or development to areas that are already principally residential or rural residential in character; and
 - (f) providing a range of residential use or development opportunities with suitable subdivision and setback controls.

3.2.3 Objective – Provide for the effective and efficient use of facilities, infrastructure and services

- (1) The objective will be achieved by:
 - (a) clustering use or development in the central part of Norfolk Island so that existing infrastructure, services and facilities can be more fully utilised and limiting development opportunities outside that area so that expensive infrastructure is not required in places where maximum utilisation is unlikely to be achieved;
 - (b) locating industry and other forms of development which draw heavily on infrastructure in locations such as the Airport or near existing waterside facilities where existing infrastructure is in place or can be cost effectively put in place;
 - (c) locating use or development that draws heavily on human services in areas where such human services exist or are readily drawn upon;
 - (d) ensuring that use or development proposals demonstrate that they will not place unreasonable strain on physical infrastructure including electricity, water, sewage disposal, telecommunications, and roads, and the like, and human services; and
 - (e) clustering higher intensity residential and commercial development in areas best serviced with infrastructure and ensuring that existing sewage and wastewater disposal systems are utilised effectively and efficiently.

3.2.4 Objective – Encourage orderly and efficient use and management of resources

- (1) The objective will be achieved by:
 - (a) encouraging sustainable development practices including waste minimisation, sound waste management, and use of alternative energy and energy efficient practices;
 - (b) encouraging use or development types that utilise land efficiently and effectively and discouraging practices and building techniques that place a drain on resources;
 - (c) clustering use or development types that require expensive infrastructure within the area serviced by the Water Assurance Scheme and utilising existing infrastructure;
 - (d) maximising retention of viable agricultural land by minimising land fragmentation;
 - (e) minimising the potential for pollution in areas serviced by septic and pump-out effluent disposal systems by ensuring that size and orientation of parcels of land is adequate for on-site effluent disposal and minimising clearing of steep slopes; and
 - (f) ensuring that water supplies are not adversely impacted upon by land use or development decisions and ensuring that ground-water use is minimised.

3.2.5 Objective – Promote and safeguard the community’s safety and welfare, and its social and cultural wellbeing

- (1) The objective will be achieved by:
- (a) continuing to recognise that Norfolk Island is first and foremost the home of its residents;
 - (b) promoting practices that maintain and enhance public health and safety standards;
 - (c) ensuring that incompatible land use or development types are separated, and where separation is not feasible that such uses or development are appropriately buffered;
 - (d) discouraging use or development that has detrimental impacts on the social and cultural fabric of Norfolk Island, and where this cannot be achieved, provide for such activities to occur in locations that will minimise social and cultural impact;
 - (e) recognising the importance of Norfolk Island’s unique social and cultural heritage practices and values, and preserving examples and evidence of these practices and values;
 - (f) providing opportunities for use or development which underpins elements of special social and cultural value;
 - (g) facilitating traditional methods of family land custodianship and management without adversely impacting upon other practical land management and ownership principles through the introduction of group and community titling mechanisms; and
 - (h) striking a balance between providing tourism opportunities and not degrading the social and cultural practices and activities that can and should support tourism.

3.2.6 Objective – Provide sustainable recreational and open space opportunities

- (1) The objective will be achieved by:
- (a) recognising the importance of and providing for appropriate and useable spaces for passive and active human recreational pursuits in both urban and non-urban areas;
 - (b) ensuring that some areas that have open space and/or conservation values can appropriately be utilised for low impact recreational and open space purposes without adversely impacting upon those values;
 - (c) ensuring that use or development in the National Park, public reserves, and other open spaces is appropriately managed and that existing long term low impact uses or development should be able to continue;
 - (d) recognising, respecting and complimenting management objectives for the National Park and public reserves;
 - (e) acknowledging that some areas other than public reserves used currently for open space purposes may become areas for future urban and peri-urban expansion, and that these areas should be treated accordingly in a strategic planning context; and
 - (f) recognising that open space can be legitimately used to buffer incompatible use or development and that these areas of land can be used appropriately for recreational and open space purposes at the same time.

3.2.7 Objective – Promote high standards of visual amenity and protect significant landscapes

- (1) The objective will be achieved by:
- (a) ensuring that areas with high visual amenity are afforded protection from use or development that would otherwise cause a significant negative visual impact on these areas;
 - (b) encouraging very low impact uses in areas of high scenic or landscape conservation value;
 - (c) ensuring that use or development proposals demonstrate that they will not have a detrimental impact on Norfolk Island’s landscape character and will not contribute to visual blight;
 - (d) encouraging building form, scale, mass, siting, materials, and finishes that compliment existing landscapes and do not detract from Norfolk Island’s visual amenity; and
 - (e) minimising land subdivision and in so doing retaining larger lots that contribute to the landscape character of Norfolk Island.

3.2.8 Objective – Protect and enhance Norfolk Island’s environmental and heritage qualities

- (1) The objective will be achieved by:
- (a) identifying those areas that demonstrate conservation values, the protection of which, contributes to the ecological diversity, cultural and natural heritage values, and tourism appeal of Norfolk Island;
 - (b) minimising adverse impacts of use or development on the areas of unique environmental and heritage value including the National Park, reserves that have conservation values, the coastal and cliff environments, remnant vegetation, and the Kingston and Arthur’s Vale Historic Area and its landscape setting;
 - (c) acknowledging that some areas of conservation value have existing use or development that is sympathetic with environmental and heritage qualities and that these should be maintained by using zoning and special area provision mechanisms;
 - (d) buffering areas with very high conservation value from use or development that may have a detrimental impact on these conservation areas;
 - (e) recognising, respecting and complementing existing management structures and objectives for National Park, public reserves, and the Kingston and Arthur’s Vale Historic Area;
 - (f) ensuring that use or development proposals demonstrate that they will not have a detrimental impact on the environmental or heritage qualities of Norfolk Island;
 - (g) encouraging use or development that has low environmental impact and where appropriate, clustering use or development that has the potential for detrimental impacts on the environment and heritage;
 - (h) protecting and conserving places that have special natural, cultural, and built heritage value from use or development that would otherwise cause a significant negative impact on the environmental and/or heritage values of these areas; and
 - (i) ensuring that where use or development is carried out in a location which has heritage conservation values, that such use or development is sympathetic to the heritage values of the place.

SECTION 4 – PREFERRED DOMINANT LAND USES

4.1 What are Preferred Dominant Land Uses?

- (1) The Strategic Plan covers the Planning Area for Norfolk Island and contains a Strategic Plan Map showing the preferred dominant land use areas to guide long term use or development on Norfolk Island.
- (2) The Strategic Plan identifies 4 Preferred Dominant Land Uses for Norfolk Island. These are:
 - (a) High Rural/Conservation Value Preferred Dominant Land Use;
 - (b) Semi-Rural Preferred Dominant Land Use;
 - (c) Urban Preferred Dominant Land Use; and
 - (d) Activity Node Preferred Dominant Land Use.
- (3) This Section includes objectives that relate to particular preferred dominant land use areas as shown on the Strategic Plan Map. Those objectives that relate generally to development on Norfolk Island or to more than one preferred Dominant Land Use area are included in Section 3 of the Strategic Plan.
- (4) The objectives of each of the preferred Dominant Land Use areas and the manner in which the objectives are to be implemented are outlined below.

4.2 HIGH RURAL/CONSERVATION VALUE PREFERRED DOMINANT LAND USE

4.2.1 What is the High Rural/Conservation Value Preferred Dominant Land Use?

- (1) These areas are shown in a pale green colour on the Strategic Plan Map and designate those areas of Norfolk Island that have high environmental values and/or reflect land that is not needed in the short to medium term for other more intense land uses.
- (2) The areas identified as having a preferred dominant land use of High Rural/Conservation Value are intended to remain largely undeveloped in the long term. These areas are focused on the intrinsic rural character, and natural and cultural heritage environment of Norfolk Island. A range of uses or developments should be permitted where these uses or developments do not change the fundamental nature and character of the land. Where areas require protection and preservation of their conservation values, a very limited range of activities comprising use or development activities that compliment the conservation values may be permitted and catered for.

4.2.2 What are the objectives of the High Rural/Conservation Value Preferred Dominant Land Use?

- (1) The objectives of the High Rural/Conservation Value Preferred Dominant Land Use are to:
 - (a) retain and enhance the open space, natural environment and wildlife habitat that is vital to life systems on the Island;
 - (b) conserve and preserve areas that have very high natural and/or cultural heritage conservation values;
 - (c) allow for a very limited range of complimentary low intensity and low impact use or development in areas with very high natural and/or heritage conservation values;
 - (d) maintain and protect the aesthetic backdrop for Norfolk Island;
 - (e) maintain the existing rural character of much of Norfolk Island;
 - (f) provide land that may buffer certain incompatible uses; and
 - (g) protect and preserve land for existing and future public, government, and Administration use or development.

4.2.3 How will the objectives of the High Rural/Conservation Value Preferred Dominant Land Use be implemented?

- (1) The objectives of the High Rural/Conservation Value Preferred Dominant Land Use are to be achieved by ensuring that only land that is within the following desirable zones is located within the High Rural/Conservation Value Preferred Dominant Land Use area:
 - (a) Rural;
 - (b) Open Space;
 - (c) Conservation; or
 - (d) Special Use.

4.3 SEMI-RURAL PREFERRED DOMINANT LAND USE

4.3.1 What is the Semi-Rural Preferred Dominant Land Use?

- (1) These areas are shown in a light pink colour on the Strategic Plan Map and designate those areas of Norfolk Island not required in the foreseeable future for other preferred dominant land uses.
- (2) The areas identified as having a preferred dominant land use of Semi-Rural are 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 use or development types to be encouraged in the Semi-Rural Preferred Dominant Land Use area are those that are appropriately found at the edges of urban areas. These areas are principally set aside for rural residential use or development, but can appropriately be used for other developments that are urban or semi-rural in nature and which require larger amounts of land and are best sited in an area with a rural or semi-rural character.

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- (3) The essential character of the Semi-Rural Preferred Dominant Land Use area should be rural. The scale and intensity of use or development in the area, however, is such that these uses and developments are not appropriately part of the High Rural/Conservation Value area nor are they in keeping with the principles and objectives of the High Rural/Conservation Value Preferred Dominant Land Use area.

4.3.2 What are the objectives of the Semi-Rural Preferred Dominant Land Use?

- (1) The objectives of the Semi-Rural Preferred Dominant Land Use are to:
- (a) provide opportunities for low-density residential use or development in a rural or natural setting with an acceptance of medium and smaller sized parcels of land;
 - (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) better utilise rural and semi-rural land for low density residential purposes where that land has lost its intrinsic agricultural viability;
 - (e) provide a limited range of low intensity and low impact use or development opportunities 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; and
 - (h) protect and preserve land for existing and future public, government, and Administration use or development.

4.3.3 How will the objectives of the Semi-Rural Preferred Dominant Land Use be implemented?

- (1) The objectives of the Semi-Rural Preferred Dominant Land Use are to be achieved by ensuring that only land that is within the following desirable zones is located within the Semi-Rural Preferred Dominant Land Use area:
- (a) Rural;
 - (b) Rural Residential;
 - (c) Open Space; or
 - (d) Special Use.

4.4 URBAN PREFERRED DOMINANT LAND USE

4.4.1 What is the Urban Preferred Dominant Land Use?

- (1) These areas are shown in a light red colour on the Strategic Plan Map and designate those areas of Norfolk Island not required in the foreseeable future for other preferred dominant land uses.

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- (2) The areas identified as having a preferred dominant land use of Urban are intended to provide the essential urban functions on Norfolk Island in the long term. The use or development types to be encouraged in the Urban Preferred Dominant Land Use area are varied and principally include residential, commercial and industrial use or development.
 - (3) Land preferred for urban use or development in the longer term may appropriately be used for a range of non-urban purposes in the short to medium term. Such use or development types include rural, rural residential and open space uses. The areas designated for future urban use or development should be serviced by appropriate infrastructure or be capable of being serviced by appropriate infrastructure.

4.4.2 What are the objectives of the Urban Preferred Dominant Land Use?

- (1) The objectives of the Urban Preferred Dominant Land Use are to:
 - (a) provide opportunities for a range of urban use or development types including, residential commercial and industrial uses or developments;
 - (b) focus urban use or development on the existing commercial area, which is typified by a pattern of relatively higher intensity urban use or development;
 - (c) enable residences, businesses and other undertakings to be located on small, centralised lots alleviating the need to sub-divide valuable non-urban land for urban use or development;
 - (d) utilise existing infrastructure and limit potential impacts on the environment of urban use or development;
 - (e) minimise the deleterious effects of relatively higher intensity urban use or development by clustering urban use or development together; and
 - (f) protect and preserve land for existing and future public, government, and Administration use or development.

4.4.3 How will the objectives of the Urban Preferred Dominant Land Use be implemented?

- (3) The objectives of the Urban Preferred Dominant Land Use are to be achieved by ensuring that only land that is within the following desirable zones is located within the Urban Preferred Dominant Land Use area:
 - (a) Rural;
 - (b) Rural Residential;
 - (c) Residential;
 - (d) Mixed Use;
 - (e) Business;
 - (f) Light Industry;
 - (g) Industrial;
 - (h) Open Space; or
 - (i) Special Use.

4.5 ACTIVITY NODE PREFERRED DOMINANT LAND USE

4.5.1 What is the Activity Node Preferred Dominant Land Use?

- (1) These areas are shown in a yellow colour on the Strategic Plan Map and designate those areas of Norfolk Island not required in the foreseeable future for other preferred dominant land uses.
- (2) The areas identified as having a preferred dominant land use of Activity Node are intended to provide the necessary and essential industrial and infrastructure functions on Norfolk Island in the long term. The uses and development types to be encouraged in the Activity Node Preferred Dominant Land Use area are limited to air and sea transport, infrastructure and industrial uses.
- (3) Land preferred for use as an Activity Node in the longer term may appropriately be used for a range of other purposes in the short to medium term. Such uses include rural and open space uses.

4.5.2 What are the objectives of the Activity Node Preferred Dominant Land Use?

- (1) The objectives of the Activity Node Preferred Dominant Land Use are to:
 - (a) provide a compact, buffered area for industrial uses;
 - (b) minimise deleterious effects of higher intensity industrial use or development for as many residents, visitors and businesses as possible;
 - (c) minimise the impacts on the environment caused by industrial use or development by maximising use of existing and future infrastructure;
 - (d) protect airport and aviation related use or development opportunities, while co-locating appropriate industrial use or development opportunities;
 - (e) protect existing sea transport facilities and related future use or development opportunities while co-locating appropriate industrial use or development; and
 - (f) protect and preserve land for existing and future public, government, and Administration use or development.

4.5.3 How will the objectives of the Activity Node Preferred Dominant Land Use be implemented?

- (1) The objectives of the Activity Node Preferred Dominant Land Use are to be achieved by ensuring that only land that is within the following desirable zones is located within the Activity Node Preferred Dominant Land Use area:
 - (a) Rural;
 - (b) Industry;
 - (c) Open Space;
 - (d) Special Use; or
 - (e) Airport.

PART B

PLANNING REQUIREMENTS

PART B1

ZONING SCHEME

PART B1

ZONING SCHEME

1. Division of Norfolk Island into zones

- (1) Section 7 of the Act requires that the Norfolk Island Plan promote the objects of the Act by indicating planning objectives and development and environmental standards for Norfolk Island generally and land use zones. The Norfolk Island Plan shall specify what use and development is permitted for each land use zone.
- (2) To the extent indicated on the Zoning Map, for the purposes of the Plan, Norfolk Island (as defined in clause 114) is divided into zones. The zones comprise those zones specified in Column 1 of the Table of Zones at clause 1(5).
- (3) A zone, the name of which, is specified in Column 1 of the Table of Zones at clause 1(5) comprises all those parts of Norfolk Island that are coloured in the colour indicated in Column 2 of the Table of Zones, opposite the name of that zone.
- (4) Notwithstanding the provisions of clause 1(3), any portion that extends to mean high water, as shown on the Official Survey of Norfolk Island, shall be zoned wholly for the purpose that the section of the portion landward of the surveyed top of cliff is zoned.
- (5)

TABLE OF ZONES

Column 1	Column 2
Name of Zones	Colour
Rural	Light Brown
Rural Residential	Light Pink
Residential	Scarlet
Mixed Use	Light Blue
Business	Blue
Light Industry	Light Purple
Industrial	Purple
Open Space	Grass Green
Conservation	Light Green
Special Use	Yellow
Airport	Mauve
Roads	Grey

2. Use or development of land in zones

- (1) The use or development of land, or the intended use or development of land is categorised into one or more of the categories of use or development defined in clauses 114 and/or 117.
- (2) The Tables of Use and Development for each zone determine what use or development may be carried out in that zone. The precise meaning of each use or development is found in the Purpose Definitions contained in clause 117.

3. What is “permitted (as of right) use or development”?

- (1) Column 1 of the Table of Use or Development applicable to a zone specifies Permitted (As of Right) Use or Development. This is use or development that may be carried out without development approval from the Norfolk Island Government and which does not require the grant of development approval under the Plan.
- (2) Notwithstanding the provisions of clause 3(1), buildings or structures associated with any use or development may require building approval, unless exempt from requiring building approval in accordance with the building regulations made pursuant to the *Building Act 2002*.

4. What is “permitted use or development”?

- (1) Column 2 of the Table of Use or Development applicable to a zone specifies Permitted Use or Development. This is use or development that requires the Norfolk Island Government’s development approval (but not its consent), and which is subject to conditions imposed by the Executive Member.
- (2) While development approval is required for permitted use or development, the executive member shall grant approval either unconditionally or subject to such conditions or restrictions as may be imposed, provided that the use or development complies with all relevant standards and provisions of this Plan including not invoking the provisions of -.
- (3) Notwithstanding the provisions of clauses 4(1) and 4(2), buildings or structures associated with any use or development may require building approval, unless exempt from requiring building approval in accordance with the building regulations made pursuant to the *Building Act 2002*.

5. What is “permissible (with consent) use or development”?

- (1) Column 3 of the Table of Use or Development applicable to a zone specifies “Permissible (With Consent) Use or Development”. This is use or development that may only be carried out with development approval from the Norfolk Island Government (granted by the executive member acting upon recommendations from the Norfolk Island Planning and Environment Board) and which is also subject to conditions imposed by the executive member, and is subject to any other approval, consent or permission required under any other enactment.

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- (2) The following uses and developments shall be Permissible (With Consent):
- (a) Uses and developments listed in Column 1 or 2 where a condition or standard specified in this Plan for the use or development is not to be followed; or
 - (b) Uses and developments listed in Column 3 in the applicable Zone's Table of Use or Development, including situations where a condition or standard specified in this Plan for the use or development is not to be followed, but flexibility is specified in relation to that condition or standard.
- (3) Before use or development that is Permissible (With Consent) Use or Development may be carried out the executive member must have given development approval on a development application. The development approval is subject to the conditions and standards specified in this Plan and such other conditions or restrictions as the executive member may impose.

6. What is “prohibited use or development”?

- (1) The following uses and developments shall be Prohibited:
- (a) Uses and developments listed in Column 3 in the applicable Zone's Table of Use or Development, where a condition or standard specified in this Plan for the use or development is not to be followed, and flexibility is not specified in relation to that condition or standard.
 - (b) Uses and developments listed in Column 4.

7. Use or development on other land within the Territory of Norfolk Island

(Users Note: The Planning Area includes Norfolk Island itself, Phillip Island, Nepean Island, and any other land above Mean High Water Mark within the Planning Area. Reference to the Administrative Definitions for definition of Planning Area, and Norfolk Island will assist in interpretation)

- (1) Use or development on land that forms part of Phillip Island, Nepean Island, or any other land that is located within the Planning Area, but is not part of the principal landmass of Norfolk Island itself, is subject to the provisions relating to zoning outlined in this Part of the Plan Written Statement.
- (2) The Zoning Map does not show zoning of land other than for the principal landmass of Norfolk Island itself.
- (3) For ease of application, all land within the Planning Area that is not part of the principal landmass of Norfolk Island itself (as delineated on the Zoning Map) is deemed to be zoned Conservation and is subject to the Plan's provisions relating to the Conservation Zone.

8. Use or development within the Norfolk Island National Park and Norfolk Island Botanic Garden

- (1) Notwithstanding the provisions of this Plan, use or development within the Norfolk Island National Park and Norfolk Island Botanic Garden shall be in accordance with the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*, management plans in operation for the Norfolk Island National Park and Norfolk Island Botanic Garden under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*, and the *Environment Protection and Biodiversity Conservation Regulations 2000 (Cth)* made under the Act. The provisions of this Plan will not apply where they are not consistent with the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* or management plan or Regulations under it.

ZONES

RURAL ZONE

9. What is the intent of the Rural Zone?

- (1) The intent of the Rural Zone is to:
- (a) maintain the existing rural character of much of Norfolk Island and to provide opportunities for both agricultural and appropriate non-agricultural use or development; and
 - (b) retain the existing pattern of rural land use or development and retain the large land parcels that predominate in the area covered by the zone.

10. What are the objectives and guidelines for the Rural Zone?

- (2) The objectives and guidelines for the Rural Zone are:
- (a) preserve larger parcels of land so that viable agriculture can be maintained;
 - (b) encourage use or development within the zone so that the existing landscape quality and visual amenity is maintained and preserved;
 - (c) preserve large parcels of land that contribute to the maintenance and protection of biodiversity by preserving remnant native vegetation and habitat;
 - (d) avoid fragmentation of the land in the zone. Retention of large parcels of land will continue to contribute to maintenance of water quality by retaining vegetation and minimising erosion;
 - (e) encourage use or development of land within the zone for low intensity, predominantly rural use or development to buffer sensitive conservation areas and provide valuable open space; and
 - (f) encourage ecologically sustainable development practices that contribute to biodiversity maintenance and preservation.

11. What are the subdivision standards for the Rural Zone?

- (1) The subdivision standards for the Rural Zone are:
- (a) the minimum lot size shall be 4 hectares;
 - (b) the minimum lot frontage shall be 4.0 metres;
 - (c) each lot shall be capable of containing a minimum rectangle of 15 x 20 metres, not including spaces within standard building setback requirements; and
 - (d) regular shaped lots are encouraged and the overall shape and dimensions must be suitable for the intended use and consistent with the intent of the rural zone.
 - (e) use of a lot less than 4 hectares may be given development approval as a permissible (with consent) use or development for the following purposes:
 - (i) for an intensive animal husbandry use or development; or
 - (ii) for a use or development other than agriculture, that is consistent with the zone intent, and the zone objectives and guidelines; or
 - (iii) for an industrial class use or development; or
 - (iv) for public works (major or minor), or a residential care establishment; or

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- (v) for boundary alterations where no additional titles are created and the resultant lots will comply with the intent of the zone; or
 - (vi) for public purposes to meet environmental objectives.
- (f) Application for development approval under clause 11(1)(e) shall be accompanied by a plan for the land to which the application applies. The plan should show that:
- (i) subdivision will not fragment or diminish the agricultural potential of the land;
 - (ii) subdivision will not result in ribbon development along roads and/or coastlines;
 - (iii) use or development will not cause adverse impact on the natural environment, flora and fauna, cliff environment, coastal waters, watercourses or skylines; and
 - (iv) use or development will not result in land use or development conflict with existing land uses or developments in the vicinity.

12. What are the development standards for the Rural Zone?

- (1) The development standards for the Rural Zone are:
- (a) use or development for the purposes of an Industry–Extractive shall not be located within 150 metres of an existing or likely future dwelling, or within 300 metres of land zoned Residential, Special Use (where that Special Use Zoning is intended for, or used or developed for, the purposes of a hospital, school, or use or development within the residence class) or similar development;
 - (b) the maximum height of buildings shall be 9 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographical or other justified purposes;
 - (c) habitable buildings should be sited, designed and oriented to achieve energy efficiency;
 - (d) buildings shall be setback a minimum distance of 10 metres from the front boundary and 3.6 metres from all other boundaries. Buildings shall not project above a 45 degree line (from horizontal) as measured from any property boundary into the property upon which the building is situated;
 - (e) setback requirements of clause 12(1)(d) may be varied pursuant to the provisions of clause 5 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;
 - (f) the roof areas of buildings shall be finished with non-reflective materials and/or colours that harmonise with the natural landscape;
 - (g) the external walls, paving, and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially and permanently screened by landscaping;
 - (h) all use or development shall comply with relevant environmental standards specified in applicable environmental planning and land management codes as approved by the executive member; and
 - (i) use or development for the purposes of a Residence – Dual Occupancy or Residence – Accommodation Units (low density) shall comply with the relevant provisions of an approved Multi-Unit Code.

13. Table of Use or Development – Rural Zone

Permitted (As of Right) Use or Development	Permitted Use or Development	Permissible (with Consent) Use or Development	Prohibited Use or Development
Column 1	Column 2	Column 3	Column 4
Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development other than use or development specified in Column 1, Column 2, or Column 3
Agriculture	Forestry	Child-care Centre	
Home Occupation	Home Industry	Club	
Open Space	Park	Earthworks	
Public Works – Minor	Residence – Dwelling House	Educational Facility	
	Subdivision – Minor	Food Premises	
		Garden Centre	
		Indoor Sport and Recreation Facility	
		Industry – Extractive	
		Industry – General	
		Industry – Light	
		Industry – Rural	
		Intensive Animal Husbandry	
		Licensed Club	
		Outdoor Sport and Recreation Facility	
		Place of Assembly	
		Place of Public Worship	
		Public Building	
		Public Works – Major	
		Residence – Accommodation Units (low density)	
		Residence – Dual Occupancy	
		Residence – Residential Care Establishment	
		Subdivision – Major	
		Tourist Facility	
		Veterinary Establishment	
		Wharf	

Note: Notwithstanding the Columns in this table—

1. Development Approvals may not be required for activities specified in Clause 101.
2. Certain activities or use or development of land specified in Clause 74, if not prohibited uses or development under Column 4, are permissible (with consent) use or development under Column 3.
3. If any condition or standard for an activity referred to in Column 1 or 2 is not to be followed, the activity is permissible (with consent) use or development under Column 3.

RURAL RESIDENTIAL ZONE

14. What is the intent of the Rural Residential Zone?

- (1) The intent of the Rural Residential Zone is to:
- (a) provide opportunities for primarily residential use or development in a rural or natural setting and where that use or development is located on parcels of land that are large enough to support small scale rural uses but which are unlikely to provide economically viable rural use or development; and
 - (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 parcels of land.

15. What are the objectives and guidelines for the Rural Residential Zone?

- (1) The objectives and guidelines for the Rural Residential Zone are:
- (a) provide opportunities for low-density 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 parcels of land that front roads in a ribbon development will be discouraged. Variations in the size of parcels of land and the use of irregular spacing between dwellings should be promoted where possible;
 - (c) the sizes of parcels of land should be sufficient to contain on-site effluent disposal and water storage facilities with all effluent storage sited down-slope from any dwelling unit;
 - (d) encourage use or development within the zone so that the existing landscape quality and visual amenity is maintained and enhanced; and
 - (e) encourage use or development that is low in intensity to maintain and protect biodiversity by preserving remnant vegetation and habitat.

16. What are the subdivision standards for the Rural Residential Zone?

- (1) The subdivision standards for the Rural Residential zone are:
- (a) the minimum lot size shall be 8,000 square metres;
 - (b) each lot shall be capable of containing a minimum rectangle of 15 x 20 metres, not including spaces within standard building setback requirements; and
 - (c) the minimum lot frontage shall be 4.0 metres.

17. What are the development standards for the Rural Residential Zone?

- (1) The development standards for the Rural Residential zone are:
- (a) the maximum height of buildings shall be 9 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographical or other justified purposes;
 - (b) habitable buildings should be sited and designed and oriented to achieve energy efficiency;
 - (c) buildings shall be setback a minimum distance of 10 metres from the front boundary and 3.6 metres from all other boundaries. Buildings shall not project above a 45 degree line (from horizontal) as measured from any property boundary into the property upon which the building is situated;
 - (d) the setback requirements of clause 17(1)(c) may be varied pursuant to the provisions of clause 5 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;
 - (e) the roof areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape;
 - (f) the external walls, paving, and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially and permanently screened by landscaping;
 - (g) all use or development shall comply with relevant environmental standards specified in the approved applicable environmental planning and land management codes; and
 - (h) use or development for the purposes of a Residence – Dual Occupancy or Residence – Accommodation Units (low density) shall comply with the relevant provisions of an approved Multi-Unit Code.

18. Table of Use or Development – Rural Residential Zone

Permitted (As of Right) Use or Development	Permitted Use or Development	Permissible (with Consent) Use or Development	Prohibited Use or Development
Column 1	Column 2	Column 3	Column 4
Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development other than use or development specified in Column 1, Column 2, or Column 3
Agriculture	Park	Child Care Centre	
Home Occupation	Residence – Dwelling House	Club	
Open Space		Earthworks	
Public Works – Minor	Subdivision – Minor	Educational establishment	
		Food Premises	
		Garden Centre	
		Forestry	
		Home Industry	
		Licensed Club	
		Outdoor Sport and Recreation Facility	
		Place of Assembly	
		Place of Public Worship	
		Residence – Accommodation Units (low density)	
		Residence – Dual Occupancy	
		Residence – Residential Care Establishment	
		Shop – Local	
		Subdivision – Major	
		Tourist Facility	

Note: Notwithstanding the Columns in this table—

1. Development Approvals may not be required for activities specified in Clause 101.
2. Certain activities or use or development of land specified in Clause 74, if not prohibited uses or development under Column 4, are permissible (with consent) use or development under Column 3.
3. If any condition or standard for an activity referred to in Column 1 or 2 is not to be followed, the activity is permissible (with consent) use or development under Column 3.

RESIDENTIAL ZONE

19. What is the intent of the Residential Zone?

- (1) The intent of the Residential Zone is to:
- (a) provide opportunities for a range of residential uses or developments on primarily smaller parcels of land;
 - (b) enable residences to be located on small parcels of land alleviating the need to sub-divide valuable rural land for residential use or development;
 - (c) locate the zone within or adjacent to the area covered by the Water Assurance Scheme so that existing services are utilised and the potential impacts on the environment of residential use or development are minimised;
 - (d) cluster higher intensity residential use or development in concentrated areas to minimise the deleterious effects of higher intensity residential use or development on the remainder of Norfolk Island; and
 - (e) provide opportunities for urban consolidation within the Residential Zone so that existing land and services are fully utilised.

20. What are the objectives and guidelines for the Residential Zone?

- (1) The objectives and guidelines for the Residential Zone are:
- (a) provide opportunities for a range of residential use or development on parcels of land of varying sizes. This range includes dwelling houses, dual occupancy, multiple dwellings, and residential care establishments. Depending upon the impact, the Zone may also be appropriate for accommodation units;
 - (b) cluster higher intensity residential use or development where possible to enable maximum use to be made of existing infrastructure and services. Offering opportunities for urban consolidation minimises the need to provide services and infrastructure outside the Residential Zone and in so doing will limit potential impacts of residential use or development on the environment and economy;
 - (c) cluster certain other use or development where possible so that impacts on surrounding use or development are minimised. It is preferable that a range of higher-density use or development is clustered rather than spread in a random manner across Norfolk Island;
 - (d) locate the Residential Zone within or adjacent to the area covered by the Water Assurance Scheme so that existing services are utilised and the potential impacts on the environment of residential development are minimised;
 - (e) where the Residential Zone is not wholly located within the Water Assurance Scheme, locate use or development so that connection to the infrastructure within the area of the Water Assurance Scheme is readily achieved;
 - (f) use or development should reflect the traditional character of the residential area by comprising a low to moderate scale, typically one or two storeys in height. Landscaping and setbacks of dwellings should also reflect the streetscape and landscape of the area around the dwelling; and
 - (g) encourage ecologically sustainable development practices that contribute to biodiversity maintenance and preservation.

21. What are the subdivision standards for the Residential Zone?

- (1) The subdivision standards for the Residential Zone are:
- (a) the minimum lot size shall be 2,000 square metres (excluding the area of any entrance strip servicing a rear lot);
 - (b) where the lot is outside the area serviced by the Water Assurance Scheme and is incapable of utilising the Water Assurance Scheme infrastructure, evidence shall be provided at the time of subdivision that the lot can accommodate the dwelling and effluent disposal;
 - (c) each lot shall be capable of containing a minimum rectangle of 10 x 15 metres, not including spaces within standard building setback requirements; and
 - (d) the minimum lot frontage shall be 4.0 metres.

22. What are the development standards for the Residential Zone?

- (1) The development standards for the Residential Zone are:
- (a) the maximum height of buildings shall be 9 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographical or other justified purposes;
 - (b) buildings shall be setback a minimum distance of 3.6 metres from all boundaries;
 - (c) setback requirements of clause 22(1)(b) may be varied pursuant to the provisions of clause 5 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;
 - (d) buildings shall be sited so as not to unduly interfere with the amenity of adjacent property by any significant degree of overlooking or overshadowing. Outbuildings sited behind the rear building line of the dwelling(s) may extend to the side and/or rear boundary where no loss of amenity to adjacent properties would result;
 - (e) habitable buildings should be sited and designed and oriented to achieve energy efficiency;
 - (f) the roof areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape;
 - (g) the external walls, paving, and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially and permanently screened by landscaping;
 - (h) all use or development shall comply with relevant environmental standards specified in the approved applicable environmental planning and land management codes; and
 - (i) use or development for the purposes of a Residence – Accommodation Units (medium density), Residence – Dual Occupancy or Residence – Multiple Dwelling shall comply with the relevant provisions of an approved Multi-Unit Code.

23. Table of Use or Development – Residential Zone

Permitted (As of Right) Use or Development	Permitted Use or Development	Permissible (with Consent) Use or Development	Prohibited Use or Development
Column 1	Column 2	Column 3	Column 4
Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development other than use or development specified in Column 1, Column 2, or Column 3
Home Occupation	Park	Child Care Centre	
Open Space	Residence – Dwelling House	Earthworks	
Public Works – Minor	Subdivision – Minor	Educational Establishment	
		Home Industry	
		Outdoor Sport and Recreation Facility	
		Place of Assembly	
		Place of Public Worship	
		Residence – Accommodation Units (medium density)	
		Residence – Dual Occupancy	
		Residence – Multiple Dwelling	
		Residence – Residential Care Establishment	
		Shop – Local	
		Subdivision – Major	

Note: Notwithstanding the Columns in this table—

1. Development Approvals may not be required for activities specified in Clause 101.
2. Certain activities or use or development of land specified in Clause 74, if not prohibited uses or development under Column 4, are permissible (with consent) use or development under Column 3.
3. If any condition or standard for an activity referred to in Column 1 or 2 is not to be followed, the activity is permissible (with consent) use or development under Column 3.

MIXED USE ZONE

24. What is the intent of the Mixed Use Zone?

- (1) The intent of the Mixed Use zone is to:
- (a) provide a compact, centralised, and accessible area offering a range of commercial, business, residential, light industrial and resort style use or development opportunities;
 - (b) focus the area covered by the zone on Burnt Pine and have a zone typified by a pattern of higher intensity mixed use or development that demonstrates equity, efficiency, and high standards of amenity and environmental quality;
 - (c) cluster higher intensity mixed use or development in a centralised area to minimise the deleterious effects of higher intensity use or development on the remainder of Norfolk Island; and
 - (d) concentrate mixed use or development in the area covered by the Water Assurance Scheme, and maximise the availability of existing and future infrastructure.

25. What are the objectives and guidelines for the Mixed Use Zone?

- (1) The objectives and guidelines for the Mixed Use Zone are:
- (a) provide opportunities for a wide range of commercial, residential, tourist and light industrial uses or development on parcels of land of varying sizes;
 - (b) cluster commercial, residential, tourist and light industrial use or development to allow maximum use to be made of existing infrastructure, facilities and services. Minimising the need to provide infrastructure outside the mixed use zone will limit impacts on the environment and economy;
 - (c) cluster mixed use or development so that impacts on surrounding use or development are minimised. It is preferable that a range of higher intensity mixed use or development types be clustered rather than spread in a random manner across Norfolk Island;
 - (d) car-parking serving use or developments within the mixed use zone should also be sited within the zone. Clustering of businesses in the one location minimises the need to provide numerous small parking sites and allows use to be made of centralised parking and traffic control systems;
 - (e) collocate government and administrative functions where possible in the mixed use zone or immediately adjacent so that economies of scale can be achieved and so that vehicular movements made by people needing to access these functions can be minimised; and
 - (f) encourage sustainable development practices.

26. What are the subdivision standards for the Mixed Use Zone?

- (1) The subdivision standards for the Mixed Use Zone are:
- (a) the minimum lot size shall be 800 square metres (excluding the area of any entrance strip servicing a rear lot);
 - (b) each lot shall be capable of containing a minimum rectangle of 10 x 15 metres, not including spaces within standard building setback requirements;
 - (c) the minimum lot frontage shall be 4.0 metres; and

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- (d) there shall be adequate area for any intended or future use of the site including car parking landscaping and other ancillary use or development purposes.

27. What are the development standards for the Mixed Use Zone?

- (1) The development standards for the Mixed Use Zone are:
 - (a) the maximum height of buildings shall be 9 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographical or other justified purposes;
 - (b) buildings shall be setback a minimum distance of 3.6 metres from all boundaries;
 - (c) setback requirements of clause 27(1)(b) may be varied pursuant to the provisions of clause 5 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;
 - (d) buildings shall be sited so as not to unduly interfere with the amenity of adjacent property by any significant degree of overlooking or overshadowing. Uninhabited structures or buildings sited behind the rear building line of any dwelling(s) may extend to the side and/or rear boundary where no loss of amenity to adjacent properties would result;
 - (e) all buildings should be sited and designed and oriented to achieve energy efficiency;
 - (f) the roof areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape;
 - (g) the external walls, paving, and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially and permanently screened by landscaping;
 - (h) all use or development shall comply with relevant environmental standards specified in the approved applicable environmental planning and land management codes; and
 - (i) use or development for the purposes of a Residence – Accommodation Units (medium density), Residence – Dual Occupancy or Residence – Multiple Dwelling, shall comply with the relevant provisions of an approved Multi-Unit Code.

28. Table of Use or Development – Mixed Use Zone

Permitted (As of Right) Use or Development	Permitted Use or Development	Permissible (with Consent) Use or Development	Prohibited Use or Development
Column 1	Column 2	Column 3	Column 4
Use or development for any of the following purposes: Home Occupation Public Works – Minor	Use or development for any of the following purposes: Business Premises Car Park Child Care Centre Garden Centre Open Space Park Residence – Dwelling House Residence – Residential Care Establishment Shop – Local Shop Subdivision – Minor	Use or development for any of the following purposes: Club Depot Earthworks Educational Establishment Food Premises Home Industry Hotel Indoor Sport and Recreation Facility Industry – Light Licensed Club Outdoor Sport and Recreation Facility Place of Assembly Place of Public Worship Public Building Residence – Accommodation Units (medium density) Residence – Dual Occupancy Residence – Multiple Dwelling Resort Service Station Subdivision – Major Tourist Facility Vehicle Sales or Hire Yard Veterinary Establishment Warehouse Premises	Use or development other than use or development specified in Column 1, Column 2, or Column 3

Note: Notwithstanding the Columns in this table—

1. Development Approvals may not be required for activities specified in Clause 101.
2. Certain activities or use or development of land specified in Clause 74, if not prohibited uses or development under Column 4, are permissible (with consent) use or development under Column 3.
3. If any condition or standard for an activity referred to in Column 1 or 2 is not to be followed, the activity is permissible (with consent) use or development under Column 3.

BUSINESS ZONE

29. What is the intent of the Business Zone?

- (1) The intent of the Business Zone is to:
- (a) provide an active, compact, centralised, and accessible area offering a range of retail, commercial, financial services, and office style use or development opportunities;
 - (b) focus the area covered by the zone on Burnt Pine and to have a zone typified by activity and a pattern of higher intensity use or development that demonstrates equity, efficiency, and high standards of amenity and environmental quality;
 - (c) cluster higher intensity use or development in a centralised area to minimise the deleterious effects of higher intensity use or development on the remainder of Norfolk Island; and
 - (d) concentrate business use or development in the area covered by the Water Assurance Scheme, and maximise the availability of existing and future infrastructure, minimising the impacts on the environment caused by commercial use or development.

30. What are the objectives and guidelines for the Business Zone?

- (1) The objectives and guidelines for the Business Zone are:
- (a) create an active and vibrant retail and business core;
 - (b) provide opportunities for a wide range of retail, commercial, financial services, and office style uses or development to be provided on parcels of land of varying sizes, including small parcels of land;
 - (c) cluster higher intensity business use or development to allow maximum use to be made of existing infrastructure, facilities and services. Minimising the need to provide infrastructure outside the business zone will limit impacts on the environment and economy;
 - (d) cluster higher intensity use or development so that impacts on surrounding use or development are minimised. It is preferable that a range of higher intensity use or development types be clustered rather than spread in a random manner across Norfolk Island;
 - (e) car-parking serving use or developments within the business zone should also be sited within or immediately adjacent to the zone. Clustering of businesses in the one location minimises the need to provide numerous small parking sites and allows use to be made of centralised parking and traffic control systems;
 - (f) cluster higher intensity use or development so that an active retail commercial frontage that is attractive to pedestrians can be utilised. Encouraging pedestrians to walk from business to business in one compact location minimises vehicular movements, which has a positive impact on the environment; and
 - (g) encourage sustainable development practices.

31. What are the subdivision standards for the Business Zone?

- (1) The subdivision standards for the Business Zone are:
- (a) the minimum lot size shall be 300 square metres (excluding the area of any entrance strip servicing a rear lot);
 - (b) each lot shall be capable of containing a minimum rectangle of 10 x 15 metres, not including spaces within standard building setback requirements; and
 - (c) the minimum lot frontage shall be 4.0 metres.

32. What are the development standards for the Business Zone?

- (1) The development standards for the Business Zone are:
- (a) the maximum height of buildings shall be 9 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographical or other justified purposes;
 - (b) buildings shall be setback a minimum distance of 3.6 metres from the front boundary and may be erected up to side and rear boundaries;
 - (c) setback requirements of clause 32(1)(b) may be varied pursuant to the provisions of clause 5 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;
 - (d) the roof areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape;
 - (e) the external walls, paving, and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially and permanently screened by landscaping; and
 - (f) all use or development shall comply with relevant environmental standards specified in the approved applicable environmental planning and land management codes.

33. Table of Use or Development – Business Zone

Permitted (As of Right) Use or Development	Permitted Use or Development	Permissible (with Consent) Use or Development	Prohibited Use or Development
Column 1	Column 2	Column 3	Column 4
Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development other than use or development specified in Column 1, Column 2, or Column 3
Home Occupation	Business Premises	Club	
Public Works – Minor	Food Premises	Earthworks	
	Park	Hotel	
	Shop – Local	Licensed Club	
	Shop	Subdivision – Major	
	Subdivision – Minor		

- Note:** Notwithstanding the Columns in this table—
1. Development Approvals may not be required for activities specified in Clause 101.
 2. Certain activities or use or development of land specified in Clause 74, if not prohibited uses or development under Column 4, are permissible (with consent) use or development under Column 3.
 3. If any condition or standard for an activity referred to in Column 1 or 2 is not to be followed, the activity is permissible (with consent) use or development under Column 3.

LIGHT INDUSTRY ZONE

34. What is the intent of the Light Industry Zone?

- (1) The intent of the Light Industry Zone is to:
 - (a) provide a compact, centralised, and accessible area offering a range of commercial and light industrial use or development opportunities;
 - (b) focus the area covered by the zone on the area opposite the Airport and to have a zone typified by a pattern of higher intensity use or development that demonstrates equity, efficiency, and high standards of amenity and environmental quality;
 - (c) cluster higher intensity use or development in a succinct area to minimise the deleterious effects of higher intensity use or development on the remainder of Norfolk Island;
 - (d) concentrate light industrial use or development in the area covered by the Water Assurance Scheme, and maximise the availability of existing and future infrastructure, minimising the impacts on the environment caused by light industrial use or development.

35. What are the objectives and guidelines for the Light Industry Zone?

- (1) The objectives and guidelines for the Light Industry Zone are:
 - (a) provide opportunities for a range of commercial and light industrial uses or development to be provided on parcels of land of varying sizes;
 - (b) cluster higher intensity commercial and light industrial use or development to allow maximum use to be made of existing infrastructure, facilities and services. Minimising the need to provide infrastructure outside the light industry zone will limit impacts on the environment and economy;
 - (c) cluster higher intensity use or development so that impacts on surrounding use or development are minimised. It is preferable that a range of higher intensity use or development types be clustered rather than spread in a random manner across Norfolk Island;
 - (d) car-parking serving use or developments within the light industry zone should also be sited within or immediately adjacent to the zone;
 - (e) encourage sustainable development practices; and
 - (f) ensure that the light industrial areas are landscaped adequately so as not to detract from the streetscape and visual setting of the approaches to Burnt Pine and the airport.

36. What are the subdivision standards for the Light Industry Zone?

- (1) The subdivision standards for the Light Industry Zone are:
 - (a) the minimum lot size shall be 800 square metres (excluding the area of any entrance strip servicing a rear lot);
 - (b) each lot shall be capable of containing a minimum rectangle of 10 x 15 metres, not including spaces within standard building setback requirements; and
 - (c) the minimum lot frontage shall be 4.0 metres.

37. What are the development standards for the Light Industry Zone?

- (1) The development standards for the Light Industry Zone are:
- (a) the maximum height of buildings shall be 9 metres unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographical or other justified purposes;
 - (b) buildings shall be setback a minimum distance of 10 metres from the front boundary and may be erected up to any side or rear boundary;
 - (c) setback requirements of clause 37(1)(b) may be varied pursuant to the provisions of clause 5 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;
 - (d) adequate landscaping shall be provided so as not to detract from the streetscape and visual setting of the approaches to Burnt Pine and the airport;
 - (e) the roof areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape;
 - (f) the external walls, paving, and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially and permanently screened by landscaping; and
 - (g) all use or development shall comply with relevant environmental standards specified in the approved applicable environmental planning and land management codes.

38. Table of Use or Development – Light Industry Zone

Permitted (As of Right) Use or Development	Permitted Use or Development	Permissible (with Consent) Use or Development	Prohibited Use or Development
Column 1	Column 2	Column 3	Column 4
Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development other than use or development specified in Column 1, Column 2, or Column 3
Home Occupation	Business Premises	Car Park	
Public Works – Minor	Industry – Light	Club	
	Shop – Local	Earthworks	
	Subdivision – Minor	Food Premises	
		Garden Centre	
		Hotel	
		Indoor Sport and Recreation Facility	
		Licensed Club	
		Service Station	
		Shop	
		Subdivision – Major	
		Vehicle Sales or Hire Yard	
		Veterinary Establishment	
		Warehouse Premises	

Note: Notwithstanding the Columns in this table—

1. Development Approvals may not be required for activities specified in Clause 101.
2. Certain activities or use or development of land specified in Clause 74, if not prohibited uses or development under Column 4, are permissible (with consent) use or development under Column 3.
3. If any condition or standard for an activity referred to in Column 1 or 2 is not to be followed, the activity is permissible (with consent) use or development under Column 3.

INDUSTRIAL ZONE

39. What is the intent of the Industrial Zone?

- (1) The intent of the Industrial Zone is to:
- (a) provide a compact, buffered area offering a limited range of use or development opportunities;
 - (b) cluster industrial use or development in compact areas located primarily away from residential and rural residential areas, and minimise deleterious effects of industrial use or development for as many residents, visitors and businesses as possible; and
 - (c) locate industrial use or development (wherever possible) within the area included in the Water Assurance Scheme, and minimise the impacts on the environment caused by industrial use or development by maximising use of existing and future infrastructure.

40. What are the objectives and guidelines for the Industrial Zone?

- (1) The objectives and guidelines for the Industrial Zone are:
- (a) provide opportunities for necessary and essential industrial use or development;
 - (b) cluster general industrial use or development to allow maximum use to be made of existing infrastructure and services and to minimise impacts on other parts of the Island. Minimising the need to provide new infrastructure outside the industrial zone will limit impacts on the environment and economy;
 - (c) utilise rural and other low intensity use or development where possible to provide buffers around industrial use or development; and
 - (d) encourage ecologically sustainable development practices that contribute to biodiversity maintenance and preservation.

41. What are the subdivision standards for the Industrial Zone?

- (1) The subdivision standards for the Industrial Zone are:
- (a) subdivision shall ensure that there is adequate area for any intended or future use of the site including other ancillary use or development purposes;
 - (b) each lot shall be capable of containing a minimum rectangle of 15 x 20 metres; and
 - (c) lots shall have a minimum frontage of 6.0 metres.

42. What are the development standards for the Industrial Zone?

- (1) The development standards for the Industrial Zone are:
- (a) there are no minimum setback requirements except those necessary to meet the zone intent, protect the character of the surrounding area, protect the amenity of neighbouring properties, and provide access for essential and emergency services;
 - (b) use or development for the purposes of an Industry – Noxious, Offensive and Hazardous, or a Dangerous Goods Store shall not be located within 300 metres of land zoned Residential, or Special

Use (where that Special Use Zoning is intended for, or used or developed for, the purposes of a hospital, school, or use or development within the residence class);

- (c) the roof areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape;
- (d) the external walls, paving, and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially and permanently screened by landscaping; and
- (e) all use or development shall comply with relevant environmental standards specified in the approved applicable environmental planning and land management codes.

43. Table of Use or Development – Industrial Zone

Permitted (As of Right) Use or Development	Permitted Use or Development	Permissible (with Consent) Use or Development	Prohibited Use or Development
Column 1	Column 2	Column 3	Column 4
Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development other than use or development specified in Column 1, Column 2, or Column 3
Public Works – Minor	Agriculture Open Space Subdivision – Minor	Concrete Batching Plant Dangerous Goods Store Depot Earthworks Industry – Extractive Industry – General Industry – Light Industry – Noxious, Hazardous, or Offensive Industry – Rural Public Works – Major Wharf Salvage Yard Service Station Subdivision – Major Warehouse Premises	

Note: Notwithstanding the Columns in this table—

1. Development Approvals may not be required for activities specified in Clause 101.
2. Certain activities or use or development of land specified in Clause 74, if not prohibited uses or development under Column 4, are permissible (with consent) use or development under Column 3.
3. If any condition or standard for an activity referred to in Column 1 or 2 is not to be followed, the activity is permissible (with consent) use or development under Column 3.

OPEN SPACE ZONE

44. What is the intent of the Open Space Zone?

- (1) The intent of the Open Space Zone is to:
 - (a) provide a limited range of low intensity and low impact use or development opportunities within areas that have natural, cultural and heritage values that should be maintained;
 - (b) provide the open space and wilderness habitat that is vital to life systems on Norfolk Island; and
 - (c) provide land that may buffer certain incompatible uses.

45. What are the objectives and guidelines for the Open Space Zone?

- (1) The objectives and guidelines for the Open Space Zone are:
 - (a) provide opportunities for a limited range of low impact use or development types including Outdoor Sport and Recreation Facility facilities;
 - (b) provide opportunities for a variety of exempt use or development types including but not limited to temporary sporting and cultural activities;
 - (c) where possible, to buffer incompatible use or development types from one another, while maintaining the opportunities derived from the other objectives of the zone;
 - (d) encourage ecologically sustainable development practices that contribute to biodiversity maintenance and preservation;
 - (e) encourage management goals and practices that promote the conservation and protection of open space areas; and
 - (f) allowance should be made to enable continuation of practices that have important cultural significance to Norfolk Island's residents.

46. What are the subdivision standards for the Open Space Zone?

- (1) There shall be no further subdivision within the zone except to allow a lot of which the purpose is to give effect to the intended use or development of the land in accordance with a development approval.

47. What are the development standards for the Open Space Zone?

- (1) The development standards for the Open Space zone are:
- (a) there are no maximum height or minimum setback requirements except those necessary to meet the zone intent;
 - (b) the roof areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape;
 - (c) the external walls, paving, and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially and permanently screened by landscaping; and
 - (d) all use or development shall comply with relevant environmental standards specified in the approved applicable environmental planning and land management codes.

48. Table of Use or Development – Open Space Zone

Permitted (As of Right) Use or Development	Permitted Use or Development	Permissible (with Consent) Use or Development	Prohibited Use or Development
Column 1	Column 2	Column 3	Column 4
Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development other than use or development specified in Column 1, Column 2, or Column 3
Open Space	Agriculture	Car Park	
Public Works – Minor	Forestry	Club	
	National Park	Earthworks	
	Park	Food Premises	
	Subdivision – Minor	Outdoor Sport and Recreation Facility	
		Public Work – Major	
		Road	
		Subdivision – Major	
		Tourist Facility	
		Wharf	

Note: Notwithstanding the Columns in this table—

1. Development Approvals may not be required for activities specified in Clause 101.
2. Certain activities or use or development of land specified in Clause 74, if not prohibited uses or development under Column 4, are permissible (with consent) use or development under Column 3.
3. If any condition or standard for an activity referred to in Column 1 or 2 is not to be followed, the activity is permissible (with consent) use or development under Column 3.

CONSERVATION ZONE

49. What is the intent of the Conservation Zone?

- (1) The intent of the Conservation Zone is to:
 - (a) provide a very limited range of low intensity and low impact use or development opportunities in the areas under this zone that are considered to have very high natural and/or heritage conservation values;
 - (b) ensure that the areas within the Conservation Zone that have very high natural conservation values continue to provide the aesthetic backdrop for Norfolk Island and continue to provide the open space and wilderness habitat that is vital to life systems on the Island;
 - (c) include land between the Top of Cliff as shown on the Official Survey of Norfolk Island and the Mean High Water Mark. The areas under this zone are considered to have high natural conservation values; and
 - (d) ensure that the areas within the coastal portion of the Conservation Zone, to which the Coastal Environment Provisions apply in accordance with clause 9A, will be quarantined from built forms of use or development to ensure safety and to maintain cliff and foreshore stability.

50. What are the objectives and guidelines for the Conservation Zone?

- (1) The objectives and guidelines for the Conservation Zone are:
 - (a) provide opportunities for a very limited range of low impact use or development;
 - (b) give highest priority to ecologically sustainable development practices that contribute to biodiversity maintenance and preservation;
 - (c) encourage management goals and practices that promote the conservation and protection of areas with very high natural and/or heritage conservation values;
 - (d) allowance should be made to enable continuation of practices that have important cultural significance to Norfolk Island's residents; and
 - (e) encourage management goals and practices that promote cliff and foreshore stability in the coastal portion of the zone.

51. What are the subdivision standards for the Conservation Zone?

- (1) There shall be no further subdivision within the zone except to allow a lot of which the purpose is to give effect to the intended use or development of the land in accordance with a development approval.

52. What are the development standards for the Conservation Zone?

- (1) The development standards for the Conservation Zone are:
- (a) there are no maximum height or minimum setback requirements except those necessary to meet the zone intent;
 - (b) the roof areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape;
 - (c) the external walls, paving, and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially and permanently screened by landscaping; and
 - (d) all use or development shall comply with relevant environmental standards specified in the approved applicable environmental planning and land management codes.

53. Table of Use or Development – Conservation Zone

Permitted (As of Right) Use or Development	Permitted Use or Development	Permissible (with Consent) Use or Development	Prohibited Use or Development
Column 1	Column 2	Column 3	Column 4
Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development other than use or development specified in Column 1, Column 2, or Column 3
National Park Open Space	Public Works – Minor Subdivision – Minor	Earthworks Food Premises Forestry Park Road Subdivision – Major Wharf	
<p>Note: Notwithstanding the Columns in this table—</p> <ol style="list-style-type: none"> 1. Development Approvals may not be required for activities specified in Clause 101. 2. Certain activities or use or development of land specified in Clause 74, if not prohibited uses or development under Column 4, are permissible (with consent) use or development under Column 3. 3. If any condition or standard for an activity referred to in Column 1 or 2 is not to be followed, the activity is permissible (with consent) use or development under Column 3. 			

SPECIAL USE ZONE

54. What is the intent of the Special Use Zone?

- (1) The Special Use Zone is intended to protect and preserve land for existing and future public, government, and Administration use or development.

55. What are the objectives and guidelines for the Special Use Zone?

- (1) The objectives and guidelines for the Special Use Zone are:
- (a) provide opportunities for a range of existing and future public, government, and Administration use or development;
 - (b) encourage ecologically sustainable development practices that contribute to biodiversity maintenance and preservation; and
 - (c) encourage preservation and development practices that are compatible with conservation of heritage values.

56. What are the subdivision standards for the Special Use Zone?

- (1) The intended function, use or development of the site shall determine lot sizes and dimensions.

57. What are the development standards for the Special Use Zone?

- (1) The development standards for the Special Use Zone are:
- (a) there are no maximum height or minimum setback requirements for development, except to maintain a reasonable level of amenity for neighbouring land and development;
 - (b) the roof areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape;
 - (c) the external walls, paving, and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially and permanently screened by landscaping; and
 - (d) all use or development shall comply with relevant environmental standards specified in the approved applicable environmental planning and land management codes.

58. Table of Use or Development – Special Use Zone

Permitted (As of Right) Use or Development	Permitted Use or Development	Permissible (with Consent) Use or Development	Prohibited Use or Development
Column 1	Column 2	Column 3	Column 4
Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development other than use or development specified in Column 1, Column 2, or Column 3
Public Works – Minor	Subdivision – Minor	Child Care Centre Earthworks Educational Establishment Hospital Indoor Sport and Recreation Place of Assembly Public Building Public Works – Major Residence – Residential Care Establishment Subdivision – Major Wharf OR: The use or development identified on the Zoning Map.	

Note: Notwithstanding the Columns in this table—

1. Development Approvals may not be required for activities specified in Clause 101.
2. Certain activities or use or development of land specified in Clause 74, if not prohibited uses or development under Column 4, are permissible (with consent) use or development under Column 3.
3. If any condition or standard for an activity referred to in Column 1 or 2 is not to be followed, the activity is permissible (with consent) use or development under Column 3.

AIRPORT ZONE

59. What is the intent of the Airport Zone?

- (1) The Airport has been identified in recognition of the important contribution that the Airport makes to Norfolk Island's transportation and tourism development. The Airport Zone is intended to primarily provide a range of airport and aviation related use or development opportunities, while also providing opportunities for a limited range of industrial use or development opportunities.

60. What are the objectives and guidelines for the Airport Zone?

- (1) The objectives and guidelines for the Airport Zone are:
 - (a) provide opportunities for a range of airport and aviation related use or development types;
 - (b) provide opportunities for general, noxious, hazardous or offensive industrial use or development types generally associated with airport and aviation activities that require isolation from residential use or development;
 - (c) collocate airport, aviation and related higher intensity industrial use or development to enable maximum use to be made of existing infrastructure and services. Minimising the need to provide infrastructure outside the Airport Zone will limit impacts on the environment and economy;
 - (d) cluster airport, aviation and related higher intensity industrial use or development to minimise potential impacts on surrounding use or development and to avoid the spread of such use or development in a random manner across Norfolk Island;
 - (e) utilise rural and other low intensity use or development where possible to provide buffers around the Airport Zone to minimise the effects of use or development within the Airport Zone on surrounding use or development types;
 - (f) encourage ecologically sustainable development practices that contribute to biodiversity maintenance and preservation;
 - (g) use or development should not compromise the operational requirements of the Airport's Obstacle Limitation Surfaces as approved by the executive member; and
 - (h) use or development shall be consistent with any relevant Development Control Plans.

61. What are the subdivision standards for the Airport Zone?

- (1) The intended function, use and development of the site shall determine lot sizes and dimensions.

62. What are the development standards for the Airport Zone?

- (1) The development standards for the Airport Zone are:
- (a) the provisions of Australian Standard AS 2021-2000 shall apply to all use or development in the Airport Zone;
 - (b) the maximum height of buildings shall be determined by the Obstacle Limitation Surfaces requirements as specified in clauses 78-81 inclusive, and shall be up to 9 metres on condition that the Obstacle Limitation Surfaces are not compromised. Buildings may not exceed 9 metres in height unless the Obstacle Limitation Surfaces are not compromised and unless it can be satisfactorily demonstrated that a higher structure is required for operational, topographical or other justified purposes;
 - (c) use or development for the purposes of an Industry – Noxious, Offensive and Hazardous, or a Dangerous Goods Store shall not be located within 300 metres of land zoned Residential, or Special Use (where that Special Use Zoning is intended for, or used or developed for, the purposes of a hospital, school, or use or development within the residence class);
 - (d) there are no minimum setback requirements except those necessary to meet the zone intent, protect the character of the surrounding area, protect the amenity of neighbouring properties, and provide access for essential and emergency services;
 - (e) the roof areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape;
 - (f) the external walls, paving, and other large surface areas of buildings shall be finished with non-reflective materials and colours that harmonise with the natural landscape or shall be substantially and permanently screened by landscaping; and
 - (g) all use or development shall comply with relevant environmental standards specified in the approved applicable environmental planning and land management codes.

63. Table of Use or Development – Airport Zone

Permitted (As of Right) Use or Development	Permitted Use or Development	Permissible (with Consent) Use or Development	Prohibited Use or Development
Column 1	Column 2	Column 3	Column 4
Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development other than use or development specified in Column 1, Column 2, or Column 3
Public Works – Minor	Airport Open Space Subdivision – Minor	Car Park Club Concrete Batching Plant Dangerous Goods Store Earthworks Food Premises Industry – Light Industry – General Industry – Noxious, Hazardous, or Offensive Public Building Public Works – Major Subdivision – Major Warehouse Premises	
<p>Note: Notwithstanding the Columns in this table—</p> <ol style="list-style-type: none"> 1. Development Approvals may not be required for activities specified in Clause 101. 2. Certain activities or use or development of land specified in Clause 74, if not prohibited uses or development under Column 4, are permissible (with consent) use or development under Column 3. 3. If any condition or standard for an activity referred to in Column 1 or 2 is not to be followed, the activity is permissible (with consent) use or development under Column 3. 			

ROAD ZONE

64. What is the intent of the Road Zone?

- (1) The intent of the Road Zone is to:
 - (a) provide a very limited range of use or development opportunities within areas that are set aside for transport and public access purposes;
 - (b) preserve and protect land for existing and future road requirements. The areas within the Roads Zone will include existing formed and unformed roads, as defined in this Plan, and may include provision to be made for future road requirements; and
 - (c) identify the extent of the existing and future road network.

65. What are the objectives and guidelines for the Road Zone?

- (1) The objectives and guidelines for the Road Zone are:
 - (a) provide opportunities for a very limited range of use or development types;
 - (b) provide opportunities for a variety of exempt developments including but not limited to, certain signs, street furniture, fire hydrants and traffic control devices, works carried out for the maintenance and repair of infrastructure including but not limited to roads, tracks, footpaths, drains, sewers, powerlines and telecommunications facilities within road reservations; and
 - (c) provide opportunities to ensure that existing and future operational road requirements are met.

66. What are the subdivision standards for the Road Zone?

- (1) There shall be no further subdivision within the zone except to allow a lot of which the purpose is to give effect to the intended use or development of the land in accordance with a development approval.

67. What are the development standards for the Road Zone?

- (1) The development standards for the Road Zone are:
 - (a) there are no maximum height or minimum setback requirements except those necessary to meet the zone intent;
 - (b) all use or development shall comply with relevant environmental standards specified in approved applicable environmental planning and land management codes.

68. Table of Use or Development – Road Zone

Permitted (As of Right) Use or Development	Permitted Use or Development	Permissible (with Consent) Use or Development	Prohibited Use or Development
Column 1	Column 2	Column 3	Column 4
Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development for any of the following purposes:	Use or development other than use or development specified in Column 1, Column 2, or Column 3
Earthworks Public Works – Minor	Open Space Subdivision – Minor	Subdivision – Major	
Road			
<div style="border: 1px solid black; padding: 5px;"> <p>Note: Notwithstanding the Columns in this table—</p> <ol style="list-style-type: none"> 1. Development Approvals may not be required for activities specified in Clause 101. 2. Certain activities or use or development of land specified in Clause 74, if not prohibited uses or development under Column 4, are permissible (with consent) use or development under Column 3. 3. If any condition or standard for an activity referred to in Column 1 or 2 is not to be followed, the activity is permissible (with consent) use or development under Column 3. </div>			

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PART B2

OVERLAY PROVISIONS

PART B2

OVERLAY PROVISIONS

69. What are the Overlays and how are they applied?

- (1) Areas of special significance, value, or sensitivity are delineated on the series of Overlay Maps that comprise part of the Plan Maps. Within the areas shown on the relevant Overlay Maps, the provisions of the following Overlay Clauses apply in addition to any other relevant provisions of this Plan.

COASTAL ENVIRONMENT OVERLAY AND BUFFER AREA

70. What is the Coastal Environment Overlay and why is it important?

- (1) The Coastal Environment Overlay refers to the strip(s) of land zoned Rural and Rural Residential and also situated within 50 metres inland from the surveyed Top of Cliff on the official Survey of Norfolk Island, or where there is no surveyed Top of Cliff, 50 metres from the Mean High Water Mark. Any subsequent amendments to the surveyed Top of Cliff on the Official Survey of Norfolk Island constitute the point from which the Coastal Environment Overlay shall be measured.
- (2) The Coastal Environment Buffer area refers to the strip(s) of land zoned Rural and Rural Residential and also situated between 50 and 100 metres inland from the surveyed Top of Cliff on the Official Survey of Norfolk Island, or where there is no surveyed Top of Cliff, 50 metres from the Mean High Water Mark. Any subsequent amendments to the surveyed Top of Cliff on the Official Survey of Norfolk Island constitute the point from which the Coastal Environment Buffer Area shall be measured.
- (3) The Coastal Environment Overlay and Coastal Environment Buffer Area are extremely sensitive and require special management and protection. These areas are particularly important as they provide vital habitat. The landscape value of the Coastal Environment Overlay and the Coastal Environment Buffer Area is very high and shall be preserved. The Coastal Environment Overlay and the Coastal Environment Buffer Area are also subject to considerable erosion pressures that are exacerbated by the loss of mature trees and pressures to use or develop land up to the cliff edges and along the cliff faces. The land immediately adjacent to the cliff tops and breaks in slope is also of undetermined stability. Coastal Environment Overlay restrictions are appropriate and necessary to protect coastal ecology and prevent erosion.

71. What are the objectives of the Coastal Environment Overlay?

- (1) The objectives of the Coastal Environment Overlay are to:
 - (a) ensure that use or development of land adjacent to the cliffs surrounding Norfolk Island is restricted;
 - (b) prohibit use or development that would adversely affect, or be adversely affected, in both the short and long term, by coastal processes;
 - (c) maintain and preserve the coastal and cliff habitat significance;
 - (d) promote the natural, cultural, and landscape heritage significance of Norfolk Island; and

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- (e) protect the visual amenity and maintain the landscape character of the coastal region and cliff formations by avoiding placement of buildings and/or structures in locations that would make them conspicuous when viewed from a public vantage point.

72. How will the objectives of the Coastal Environment Overlay be achieved?

- (1) The objectives of the Coastal Environment Overlay shall be achieved by:
 - (a) prohibiting buildings and structures (except those specified in clauses 101(1)(a) – (o) inclusive and 101(1)(q) – (v) inclusive) on land zoned Rural and Rural Residential and also situated within the Coastal Environment Overlay.
 - (b) minimising the impacts of buildings and structures on land zoned Rural and Rural Residential and also situated within the Coastal Environment Buffer Area by:
 - (i) ensuring that buildings and structures utilise designs, colours, materials and external finishes that blend with the forms and colours of the landscape;
 - (ii) ensuring that the siting, orientation, setback, bulk, form, height, and scale of buildings and structures does not lead to visually intrusive development;
 - (iii) considering the impact upon the natural and heritage values of the land of building, clearing, excavation, access construction, fences, deposition of fill, or landscaping.

HERITAGE OVERLAY

73. What is the Heritage Overlay and why is it important?

- (1) Land identified on the Heritage Overlay Map and listed in the Norfolk Island Heritage Register (established in accordance with the Heritage Act 2002) has been identified as contributing to an appreciation of Norfolk Island's archaeological, historical, aesthetic, architectural, scientific, natural, or social heritage. Decisions relating to the conservation and management of this land shall be guided by the principles and recommended practices of the Burra Charter.
- (2) The aims of this Plan in relation to the Heritage Overlay are:
 - (a) to conserve the environmental heritage of Norfolk Island;
 - (b) to integrate heritage conservation into the planning and development control processes;
 - (c) to provide for public involvement in the conservation of environmental heritage; and
 - (d) to ensure that any use or development does not adversely affect the heritage significance of land subject to the Heritage Overlay.

74. How is land identified on the Heritage Overlay Map protected?

- (1) Despite any other provision in this Plan, the following uses, developments and activities on land identified on the Heritage Overlay are subject to clause 5 and may only be carried out with development approval;
- (a) All use or development (as shown in the Table of Use or Development, other than that which is prohibited within a zone); and
 - (b) The following activities (unless undertaken in accordance with the *Telecommunications Act 1992*, or with an approved conservation management plan or an approved Public Reserves plan of management, or with an approved National Park and Botanic Garden Management Plan, or unless the executive member is satisfied that a proposed use, development or activity would contribute to the conservation and interpretation of the land (including structures), or would not adversely affect the heritage significance of any land (including structures) identified on the Heritage Overlay:
 - (i) the painting of any exterior masonry surface of any existing building or work (including ruins);
 - (ii) the painting or otherwise permanent blacking out of any glass or similar external window or surface of any existing building or work (including ruins);
 - (iii) the sandblasting of any exterior masonry surface, of any existing building or work (including ruins), or the removal by whatever method of any applied coating to an exterior masonry surface;
 - (iv) the cladding of any exterior surface of any existing building or work (including ruins);
 - (v) altering a building, work or relic by making structural changes to its exterior;
 - (vi) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic;
 - (vii) demolishing, defacing, damaging or moving a building, work, relic, tree or place within the curtilage of a building, work or relic of heritage significance;
 - (viii) erecting a structure (not being a building);
 - (ix) works carried out for the maintenance and repair of public infrastructure including but not limited to roads, tracks, footpaths, drains, sewers, and powerlines; or
 - (x) earthworks related to new road works.
 - (c) The uses, developments and activities described in subclause (b) above are not subject to clause 5 in the following circumstances:
 - (i) the use, development or activity is undertaken in accordance with the *Telecommunications Act 1992*, or
 - (ii) the use, development or activity is undertaken in accordance with an approved conservation management plan or an approved Public Reserves plan of management, or an approved National Park and Botanic Garden Management Plan, or
 - (iii) the executive member is satisfied that the use, development or activity would contribute to the conservation and interpretation of the land (including structures), or would not adversely affect the heritage significance of any land (including structures) identified on the Heritage Overlay);
- (2) Before determining an application pursuant to clause 74(1), the executive member may require, in addition to the information required pursuant to clause 95, any of the following to be prepared and submitted with the development application:
- (a) an archaeological survey;

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- (b) a heritage impact statement;
 - (c) a conservation management plan; or
 - (d) any other relevant supporting documentation as he/she deems necessary and reasonable.

(3) In addition to the matters listed in clause 96, the executive member shall consider the following matters when determining an application made pursuant to clause 74(1):

- (a) the cultural significance and physical integrity of land (and structures) identified on the Heritage Overlay;
- (b) any advice received from the Norfolk Island Planning and Environment Board, and/or the Australian Heritage Council or their successor bodies; and any other relevant authority or organisation consulted;
- (c) in the case of a development application within the Kingston and Arthur's Vale Historic Area (KAVHA), any advice received from the KAVHA Management Board or its successor bodies;
- (d) the siting, orientation, setback, bulk, form, height, scale, materials, and external finishes of buildings and structures;
- (e) whether the design, colours, materials and external finishes are compatible with the forms and colours of the landscape setting of the land (and structures) identified on the Heritage Overlay;
- (f) the extent to which the carrying out of the proposed development would affect the heritage significance of the land (and structures and curtilages) identified on the Heritage Overlay;
- (g) the impact upon the heritage values of the place of building, clearing, excavation, access construction, fences, earthworks, or landscaping or planting of trees;
- (h) whether any special works or practices are required to protect the heritage values of the place;
- (i) the design, content and location of signage and interpretive displays; and
- (j) any relevant conservation management plans or development control plans prepared for the land identified on the Heritage Overlay.

75. How is development considered in the vicinity of land identified on the Heritage Overlay Map?

- (1) When determining an application for approval to carry out development on land in the vicinity of land identified on the Heritage Overlay Map, the executive member shall take into consideration the likely effect of the proposed development on the heritage significance of the land identified in the Heritage Overlay.

76. Notice to the Norfolk Island Planning and Environment Board

- (1) Before granting approval for any use or development on land identified on the Heritage Overlay Map, or demolishing, defacing or damaging a building or structure on land identified on the Heritage Overlay Map, the executive member shall notify the Norfolk Island Planning and Environment Board of the intention to do so and take into consideration any comments which the Norfolk Island Planning and Environment Board submits within 28 days after the notice is sent.

77. Use or development in the Kingston and Arthur's Vale Historic Area

- (1) The area shown on the Heritage Items Regulatory Map as the Kingston and Arthur's Vale Historic Area (KAVHA) and described in clause S1.1 of Schedule 1, has been identified in recognition of its internationally significant contribution to the archaeology, history, landscape, cultural and built heritage significance of Norfolk Island. KAVHA is seen as a critical element in the cultural landscape and heritage of Norfolk Island. Preservation of the integrity of KAVHA requires special consideration.
- (2) KAVHA is that area so described in the Norfolk Island Heritage Register.
- (3) In addition to the provisions of clauses 73–76 inclusive, which relate to items listed in the Norfolk Island Heritage Register, clauses 77(4)–(7) inclusive apply to use and development of land within KAVHA.
- (4) The specific objectives of the Plan in relation to KAVHA are to:
 - (a) maintain and preserve the archaeological, historical, landscape, cultural and built heritage significance of KAVHA;
 - (b) ensure that use and development that would adversely impact on the historic integrity of the KAVHA remains prohibited; and
 - (c) encourage use to be made of existing facilities within KAVHA that are not contrary to the approved Conservation Management Plan for the area.
- (5) Use or development should further the objectives of clause 77(4) by:
 - (a) encouraging use or development within KAVHA that is consistent with the KAVHA Conservation Management Plan; and
 - (b) avoiding use or development that is not in keeping with the archaeological, historical, landscape, cultural, and built heritage significance of KAVHA.
- (6) Where there is any inconsistency between the intent of the applicable zone as shown in this Plan, and the intent of the Conservation Management Plan, the intent of the Conservation Management Plan shall prevail.
- (7) Any development application that relates to land within the area of KAVHA shall be referred to the KAVHA Board of Management for comment. The executive member prior to determining the development application shall consider any representations that the KAVHA Board of Management submits within 28 days after the notice is sent.

OBSTACLE LIMITATION SURFACES OVERLAY

78. What are Obstacle Limitation Surfaces and why are they important?

- (1) The area identified on the Obstacle Limitation Surfaces Overlay Map has been identified in recognition of the important contribution that the Airport makes to Norfolk Island's transportation and tourism development. The land and airspace at the Airport and in its surrounds require special management and protection to ensure that obligations in relation to Obstacle Limitation Surfaces required under national and international aviation regulations are met.

79. What are the objectives of the Obstacle Limitation Surfaces Overlay?

- (1) The objectives of the Obstacle Limitation Surfaces Overlay are to:
 - (a) limit development that would adversely affect Airport operations, or be adversely affected by Airport operations; and
 - (b) protect valuable airspace required for Obstacle Limitation Surfaces from use or development that would pose a hazard to aircraft movements...

80. Who must applications be referred to for use or development within the Obstacle Limitation Surfaces Overlay?

- (1) Any development application that relates to land identified on the Obstacle Limitation Surfaces Overlay Map shall be referred to the Norfolk Island Airport Manager for assessment against the Obstacle Limitation Surfaces. Any representations received from the Airport Manager are to be considered by the executive member prior to determining the development application.

81. What must be considered when a development application within the Obstacle Limitation Surfaces Overlay is assessed?

- (1) Matters to be considered when determining an application include:
 - (a) any advice submitted within 28 days after the notice is sent from any authority consulted, including the Norfolk Island Airport Manager; and
 - (b) whether any special works or practices are required to protect the values of the land.

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PART B3

GENERAL PROVISIONS

PART B3

GENERAL PROVISIONS

82. Use and Development Principles

- (1) Use or development shall be consistent with the following principles:

83. Use

- (1) The principles relating to use are:

- (a) use or development shall not unreasonably impact on any existing or intended future use or development of neighbouring land;
- (b) subdivision of land shall be carried out in accordance with the subdivision provisions for the zone within which the land is located or where that is not appropriate in accordance with:
 - (i) the requirements of the intended use or development;
 - (ii) the zone intent; and
 - (iii) where prepared, an approved development control plan.
- (c) all land shall be protected from encroachment by incompatible use or development; and
- (d) industries shall 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.

84. Character

- (1) The principles relating to character are:

- (a) use or development shall adequately respect the character of, and future intentions for, the area in which it is to be located;
- (b) subdivision layout, particularly roads, shall take adequate account of land contours and the need to limit visual scarring of the land;
- (c) use or development (including public facilities, utilities and services) shall 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;
- (d) landscaping of use or development shall 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;
- (e) where trees are an important element in the landscape or streetscape character of an area they should be retained;
- (f) 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; and

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- (g) forestry use or development, particularly plantations, shall 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.

85. Amenity

- (1) The principles relating to amenity are:
 - (a) adequate public open space shall be provided in areas of new subdivision, to meet the recreational and open space requirements of the community generally, and particularly, the new owners of the lots created by the subdivision;
 - (b) use or development shall 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; and
 - (c) dwellings shall 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.

86. Environment

- (1) The principles relating to environment are:
 - (a) proposals for use or development shall demonstrate how that use or development will not harm and/or degrade the ecology and environment of Norfolk Island;
 - (b) use or development shall 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;
 - (c) use or development and land management practices shall 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;
 - (d) use or development shall 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 shall 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;
 - (e) potentially incompatible uses or developments shall be adequately and appropriately located, sited, and designed to avoid conflict and potential harm;
 - (f) activities involving extensive site works, such as quarrying, shall be sited, screened, and rehabilitated where appropriate, to protect the ecological and visual qualities of the area; and
 - (g) use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and to avoid potential impacts of flooding.

87. Heritage

- (1) The principles relating to heritage are:
 - (a) proposals for use or development shall demonstrate how that use or development will not harm and/or degrade the cultural heritage of Norfolk Island;

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- (b) use or development shall be undertaken in areas and in a manner which conserves items, sites, areas, and customs of historic and cultural value;
 - (c) any use or development carried out on or in the vicinity of an item, area, feature, customary activity, or site with conservation value, shall adequately respect natural and cultural heritage values and those items, areas, features, customary activities, and sites shall be protected from use or development that threatens those values. The protection and conservation of items, sites, areas, features, and customary activities of historic and cultural importance applies to those previously identified and included in this Plan, and those which subsequently become known to the executive member;
 - (d) use or development of any item, area, feature, customary activity, or site with conservation value listed in the Norfolk Island Heritage Register shall be carried out in accordance with the principles of the Burra Charter; and
 - (e) use or development involving any historic building, group of buildings, or ruins, or groups of ruins, or combination of buildings and ruins, shall respect the associated archaeological, aesthetic, historic, and social values and adequately respect the design and construction elements of the building(s) and/or ruin(s), and particularly the relationship of spaces, orientation, form, mass, scale, fenestration, detailing, style, materials and colour.

88. Access and parking

- (1) The principles relating to access and parking are:
 - (a) all new lots shall be provided with satisfactory pedestrian and vehicular access via each lot's frontage to a publicly accessible and publicly owned road;
 - (b) all use or development shall provide satisfactory pedestrian and vehicular access, which is suited to the volume and needs of future users;
 - (c) buildings and spaces intended for public access shall provide for satisfactory use and access by the disabled;
 - (d) road widths and reservations shall be appropriate to the road function, expected traffic type and volume, and future subdivision potential of the subject and surrounding land;
 - (e) road intersections shall be kept to a minimum with the use of existing roads;
 - (f) intersections of road carriageways, footpaths, and pedestrian crossings and driveways shall provide adequate safety for all users;
 - (g) new use or development shall provide adequate car parking on-site to provide for the demand it generates and shall be capable of being safely accessed; and
 - (h) on site turning shall be provided for development involving significant traffic volumes, heavy vehicle types and/or at sites on roads which carry significant amounts of traffic.

89. Infrastructure and services

- (1) The principles relating to infrastructure and services are:
- (a) use or development shall 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;
 - (b) lot size and arrangement shall be adequate and appropriate to ensure an acceptable level of servicing, particularly in relation to waste disposal;
 - (c) use or development shall provide an adequate rain water supply. Each dwelling unit shall provide a potable rain water storage facility (minimum capacity of 45,000 litres or as otherwise specified in an approved development control plan) to provide for the anticipated number of occupants;
 - (d) use or development in areas not serviced by the Water Assurance Scheme shall provide adequate effluent disposal systems to a standard approved by the Administration;
 - (e) use or development shall be appropriately sited, designed and constructed to avoid conflict with service mains (including telephone, power, sewerage, water, and other pipelines or service conduits). Buildings shall not be erected over any service main or within any easement providing for same, whether utilised or not unless authorised by the Administration;
 - (f) infrastructure systems shall use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements; and
 - (g) use or development shall optimise efficiency in the use of energy and resources. In particular, land shall 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.

90. Social interest

- (1) The principles relating to social interest are:
- (a) use or development shall demonstrate how it suits the community interest;
 - (b) use or development shall have adequate and appropriate types and levels of access to social facilities and services;
 - (c) use or development shall not compromise or create an unreasonable demand for existing or future social service provision;
 - (d) where possible, use or development proposals shall demonstrate a net benefit to Norfolk Island's social capital; and
 - (e) use or development proposals shall 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.

USE OR DEVELOPMENT APPLICATIONS, PERMISSIONS, CONSENTS AND EXEMPTIONS

91. How is use or development regulated?

- (1) A use or development shall comply with the relevant provisions of Part A (Strategic Plan) and Part B (Zoning Scheme, Overlay Provisions and General Provisions) of this Plan.

92. Interpretation of single or multiple use or development

92A. What is single use or development?

- (1) Where use or development constitutes an integral and subservient part of an existing use or development, it shall be treated as part of that existing use or development and similarly categorised under clauses 114 and/or 117.

92B. What is multiple use or development?

- (1) If any proposed use or development is not an integral and subservient part of an existing or proposed use of land, then each use or development shall be categorised separately under clauses 114 and/or 117 and shall accord with the relevant development standard or other requirements where applicable under the Plan.

93. What do the terms “approval” and “consent” mean?

- (1) Use or development ordinarily requires the grant of development approval from the Norfolk Island Government. Only use or development specified in Column 1 of the Table of Use or Development applicable to a zone (that is permitted (as of right) use or development or exempt use or development under clause 101) does not require development approval.
- (2) Use or development specified in Column 2 of the Table of Use or Development applicable to a zone (that is permitted use or development) requires development approval from the Norfolk Island Government. This approval is given by the executive member acting on behalf of the Norfolk Island Government. This approval role can be delegated to officers of the Norfolk Island Administration.
- (3) Use or development specified in Column 3 of the Table of Use or Development applicable to a zone (that is permissible (with consent) use or development) requires development approval from the Norfolk Island Government and is given by the executive member acting on behalf of the Norfolk Island Government. For the purposes of this Plan, such approval shall be known as consent. Consent is required for those uses or developments that need a greater level of assessment and decision making by Government rather than its delegated officers.
- (4) Applications for both approval and consent are made as development applications.

94. What do the terms “development approval” and “development application” mean?

- (1) Where a use or development requires the granting of approval or consent, this shall be known for the purposes of this Plan as a “development approval”. The application for such approval or consent shall be known for the purposes of this Plan as a “development application”.

95. When is a development application required and what information must the application contain?

- (1) Where a use or development requires the granting of development approval under the provisions of the Plan, an applicant shall lodge with the Secretary of the Norfolk Island Planning and Environment Board a development application that shall contain information as is necessary for the Board and/or executive member to determine compliance with the Plan and the Act. The development application shall include where applicable the following:
- (a) the name and address of the applicant, the location of the land, a copy of the title to the land, the name and address of the owner, and written consent from the owner of the land if not the applicant;
 - (b) the use or development of the land at the date of application;
 - (c) the intended use or development of the land;
 - (d) a plan or plans drawn to a scale available on a standard scale rule which show clearly:
 - (i) the relationship of the land to lot boundaries, levels or contours, title boundaries and roads;
 - (ii) rights of way, easements and covenants affecting the land;
 - (iii) existing buildings, works, trees, and vegetation;
 - (iv) site preparation – including details of buildings and works to be demolished, areas to be cut and/or filled, existing vegetation and trees to be removed, and other land clearing;
 - (v) proposed buildings, works, and services, and alterations to existing buildings and works – including floor plans, elevations, dimensions, relative site levels, provisions for drainage, and the purpose of rooms, other spaces and structures;
 - (vi) existing and proposed vehicular access/egress points to roads from the land, and the areas set aside and other provisions made for vehicular passage, manoeuvring and parking;
 - (vii) existing and proposed landscaping – including details of site beautification, tree planting, and screening;
 - (viii) the materials proposed for construction purposes, and the colour of such materials on all exterior surfaces;
 - (ix) signs – including details of dimensions, wording, logos, colours, illumination, supporting structures, and positioning on buildings and works and the method of affixing thereto;
 - (x) floodlighting and other exterior lighting including the location and strength of illumination;
 - (xi) a written statement of the likely impact of the proposed development on the environment and heritage; and
 - (xii) a written statement from relevant infrastructure managers (including but not limited to those managers responsible for electricity, telecommunications, works supervision, and health and building surveying) regarding the infrastructure requirements necessary to enable the proposed use or development, and the availability of such infrastructure.

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- (2) It is the responsibility of the applicant to demonstrate that each of the matters listed in clause 95(1) have been addressed.

96. What must be considered when a development application is assessed?

- (1) When assessing a development application, the executive member shall take into consideration the following:
- (a) relevant provisions of the Plan including:
 - (i) the Strategic Plan contained at Part A;
 - (ii) the Use and Development Principles contained in clauses 83-90 inclusive;
 - (iii) the intent of the applicable zone(s) contained in Part B1 Zoning Scheme of the Plan;
 - (iv) objectives and guidelines, subdivision standards, and development standards applicable to the applicable zone(s) contained in Parts B2 and B3 of the Plan; and
 - (v) other relevant requirements of the Plan;
 - (b) any relevant proposals, reports or requirements of any public authorities or statutory bodies;
 - (c) any representations received following public notification where required under the provisions of the Act as amended from time to time;
 - (d) whether any part of the land is subject to:
 - (i) Class H, E or P site classification in accordance with Australian Standard AS2870-1996 in relation to known or likely landslip, soil instability, erosion, or excessive slope;
 - (ii) ponding or flooding;
 - (iii) fire hazard;
 - (iv) any Special Regulatory Clauses contained in this Part of the Plan;
 - (v) pollution;
 - (vi) contamination; and
 - (vii) other hazards to safety or health;
 - (e) whether the proposed use or development is satisfactory in terms of its design, siting, size, appearance, and/or levels of emissions in relation to:
 - (i) existing site features;
 - (ii) adjoining land;
 - (iii) streetscape;
 - (iv) landscape and landscape setting;
 - (v) natural environment;
 - (vi) items of heritage, architectural or scientific interest and/or value;
 - (vii) buffer zones or attenuation areas;
 - (viii) easements;
 - (ix) water supply and catchment;
 - (x) any received pollution;
 - (xi) the escape of pollutants into water courses or the atmosphere; and
 - (xii) isolation and/or separation from other land uses or developments;

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- (f) whether the proposed use or development will be supplied with an adequate level of infrastructure and services, and whether there is any necessity to improve deficient access/egress, roads or road junctions, water, sewerage, electricity, or transport services and the like, without detriment to existing users;
 - (g) whether the proposed use or development would adversely affect the existing use or development of adjacent land;
 - (h) the possible impacts of the proposed development on neighbouring land uses and developments;
 - (i) the provision of adequate landscaping, amenity, facilities and illumination, and the treatment of the site generally;
 - (j) the site distances available to and from proposed points of access/egress, together with an estimate of the speed of passing traffic;
 - (k) the design and siting of the proposal to enable reduction in energy consumption through use of alternative energy sources;
 - (l) the health, safety and wellbeing of the general public;
 - (m) consideration of the net social benefit of the proposed use or development including establishment of need;
 - (n) the impacts of the proposed use or development on the habitat of endangered or threatened flora and fauna;
 - (o) compliance and consistency with the provisions of, or requirements of, any applicable Norfolk Island and/or Commonwealth legislation, codes, plans of management and the like;
 - (p) relevant reports and/or studies;
 - (q) general policies and strategies of the Norfolk Island Government; and
 - (r) any Plan variation that has been exhibited publicly.

97. What consultation shall be undertaken before determining a development application?

- (1) The executive member shall seek the advice of any appropriate authority, organisation, or individual in the executive member's determination of a development application.

98. Issuing a development approval

- (1) Having received sufficient information and determined an application for development approval, the executive member shall:
 - (a) issue a written development approval specifying the conditions (if any) imposed upon the use or development; or
 - (b) issue a written refusal for the use or development, stating the grounds of the refusal.

99. Lapse and renewal of development approval

- (1) A development approval issued pursuant to clause 98 shall lapse in accordance with Section 62 of the Act.
- (2) Where a development approval for a use or development has lapsed, an application for renewal of a development approval for that use or development shall be treated as a new application.

100. What work may only be carried out with the granting of development approval?

- (1) Despite the provisions of clause 101 or the Table of Use or Development for the applicable zone(s), the following is subject to clause 5:
- (a) the erection of bridges, piers, jetties, boat sheds, embankment walls, and quay walls or groynes;
 - (b) building work which would be exempt from requiring development approval under clause 101, but that does not meet development standards with respect to set back or height limitations as prescribed in development standards applicable to the relevant zone under this Plan.

101. What activities are exempt from requiring the grant of development approval?

- (1) A development approval is not required for the following uses or developments:
- (a) the painting of buildings and structures;
 - (b) the mowing, slashing or burning of vegetation for fire management practices or to maintain biodiversity, property or public safety;
 - (c) the removal or trimming of trees or any other vegetation for reasons of safety and protection of property, air navigation safety or land surveying;
 - (d) the removal of trees in accordance with a permit issued in accordance with the provisions of the *Trees Act 1997 and the Trees Amendment Act 2002*;
 - (e) the removal of noxious weeds;
 - (f) vegetation planting and pruning;
 - (g) the restoration and rehabilitation of land associated with existing lawful use or development, but not including filling as separately defined in this Plan;
 - (h) landscaping, gardening and minor land management works including but not limited to trellises, seating, lattice, garden arches, pumps and pump housing associated with lawful use or development;
 - (i) maintenance of buildings where it does not involve the alteration of the external structure;
 - (j) fences and freestanding walls not exceeding a height of 2.0 metres above ground level, and retaining walls not exceeding a height of 1.0 metre above ground level;
 - (k) works carried out for the maintenance and repair of public infrastructure including but not limited to roads, tracks, footpaths, drains, sewers, and powerlines;
 - (l) works carried out in accordance with the *Telecommunications Act 1992*;
 - (m) street furniture, fire hydrants and traffic control devices;
 - (n) a maximum of three aerials or antennae incidental to an approved use or development provided that the aerials or antennae are consistent with Obstacle Limitation Surfaces Special Regulatory Clauses;
 - (o) satellite dishes less than 1.2 metres in diameter;
 - (p) extensions, additions, alterations to, or reconstruction of, existing lawful buildings, or new uninhabitable buildings or structures including garages, carports, sheds, glass houses, shade houses, verandahs, uncovered decking, water tanks, non-commercial dog kennels, rubbish receptacles, or other such minor structures, provided the following conditions are satisfied:

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- (i) the gross floor area of extensions, additions. Alterations to, or reconstruction of, existing buildings would not result in a building with more than 100 square metres of floor space for which development approval has not been previously granted;
 - (ii) the gross floor area of new uninhabitable buildings or structures does not exceed 100 square metres;
 - (iii) no part of the building or structure shall exceed the height of:
 - in the case of glass house, shade houses, or sheds used for agricultural purposes, or extensions to such: 5.5 metres; or
 - in the case of all other buildings or structures or extensions, additions, alterations to or reconstruction of, existing buildings: 2.5 metres in the case of a flat or mono pitched roof construction and 3.0 metres in the case of a construction where the pitch is at least 15 degrees;
 - (iv) setbacks to property boundaries are no less than:
 - in the case of structures with a roof, including but not limited to extensions, additions, alterations to, or reconstruction of, existing buildings, or new garages, carports, sheds, glass houses, shade houses or verandahs: the setback requirements specified in the development standards for the appropriate zone; or
 - in the case of structures without a roof, including but not limited to uncovered decking, swimming pools, water tanks, non-commercial dog kennels, rubbish receptacles, or other such minor structures for the domestic needs of the occupants: 1.5 metres of any property boundary, or the setback requirements specified in the development standards for the appropriate zone, whichever is the lesser;
 - (v) no part of the building or structure encroaches within any service easement or within 1 metre of any underground service;
 - (vi) the development is not subject to the Heritage Overlay, otherwise the development shall be subject to clause 5;
 - (vii) the development is not subject to the Coastal Environment Overlay, otherwise the development shall be prohibited;
 - (viii) the development does not result in a net increase in the number of Residences of any class; and
 - (ix) the development is used for the same purpose as the existing lawful use(s) of the associated building(s) and/or land upon which the development is to be situated;
 - (q) replacement or reactivation of a lawful conforming or non-conforming use or development that was damaged, destroyed or ceased to operate no more than 5 years previously, provided that such use or development matches the location, footprint, height, scope and intensity (as relevant) as the previous lawful use or development;
 - (r) the demolition in whole or part of a building or structure, except for demolition on land identified in the Heritage Overlay;
 - (s) temporary sporting, social and/or cultural events including associated equipment and facilities;
 - (t) the construction or putting up for display of a sign:
 - (i) on any land, provided it is not visible from outside the land;
 - (ii) displaying a dwelling name or street number;
 - (iii) relating to any building construction or works being carried out on the land, provided it is exhibited only for the duration of such building construction or works;
 - (iv) relating to the letting or sale of the land on which it is erected, provided it is moved within 7 days following the lease or sale;
 - (v) relating to any local event of an education, cultural, political, religious, social or recreation nature, provided it is exhibited for no more than 3 months; or

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- (vi) required by statutory authority for the safety or guidance of people or traffic, or for the protection of goods, structures, or buildings;
 - (u) emergency works required to protect public safety, property, or the environment; and
 - (v) earthworks comprising either:
 - (i) up to 100 cubic metres of cut or fill with a finished batter / bank of the cut or fill that has a gradient no steeper than 45 degrees and where such earthworks are no closer than 0.5 metre to any property boundary; or
 - (ii) cut and fill for the purpose of the installation of underground water tank(s) with a capacity of up to 45,000 litres per tank.
- (2) Despite the provisions of clause 101(1), buildings or structures associated with any use or development may require building approval, unless also exempt from requiring building approval in accordance with the building regulations made pursuant to the *Building Act 2002*.

102. Existing use or development rights

- (1) Subject to compliance with the *Building Act 2002*, any existing lawful use or development may continue in a manner which does not conform with the provisions of this Plan if the use or development:
- (a) was lawfully established at the time of this Plan coming into effect; and
 - (b) is of the same or substantially similar character, intensity or scale as that for which it was used immediately prior to the coming into effect of this Plan.
- (2) In the case of existing lawful non-conforming use or development, where it is proposed to extend, add, alter or reconstruct the development beyond the scope permitted under Clause 101, the proposal shall be considered as a use or development that is prohibited.

103. Land deemed to be within the Road Zone

- (1) Land that:
- (a) is a road as defined in clause 114 and/or 117; or
 - (b) will become a road upon the registration of a plan of subdivision;
- is deemed to be within a Road Zone and is subject to the provisions applicable to the Roads Zone.

104. Development of specific sites

- (1) The objective of this clause is to enable development for additional purposes on certain land.
- (2) Nothing in this Plan prevents land specified in the Table in Schedule S2.1 from being developed as a permissible (with consent) use or development, for the purpose specified for the land in that Table, subject to any applicable conditions so specified. The other provisions of this Plan apply provided that they are not inconsistent with this clause.

PLAN VARIATIONS (INCLUDING REZONING)

105. General

- (1) A rezoning of land within the Planning Area is a variation to the Plan.
- (2) The executive member may in accordance with the *Planning Act 2002* initiate a variation to the Plan including a rezoning of land within the Planning Area.
- (3) The Legislative Assembly may in accordance with Section 12 of the Act approve a variation to the Plan.

106. Who can apply for rezoning of land or variation to the Plan?

- (1) Any authority, organisation, or individual may make application to rezone land or vary the provisions of the Plan.

107. How are rezoning applications or variations to the Plan assessed?

- (1) Applications to vary the Plan (or rezone land) to accommodate a proposed use or development of land shall be accompanied by the details that would, under clause 95, be required for a development application and shall be assessed as if it were a development application. Any application made in accordance with clause 106 shall be assessed in accordance with clauses 95–98 inclusive, clause 108, and the provisions relating to subdivision applications.

108. What consultation shall the executive member undertake before determining a variation (including a rezoning) application to the Plan?

- (1) The executive member shall consult in accordance with section 11 of the Act prior to presenting and making a recommendation to the Legislative Assembly about either a rezoning proposal or variation to the Plan.

109. How is approval given for a variation of the Plan (or rezoning) application?

- (1) Approval is required from the Legislative Assembly for any variation of the Plan (or rezoning) application in accordance with section 12 of the Act.

SUBDIVISION APPLICATIONS

110. Applications for subdivision of land

- (1) Subdivision of land may only be carried out subject to development approval under the Act.
- (2) Each new lot created in accordance with this section shall be wholly contained within a single zone.
- (3) In considering any development application for subdivision, the executive member shall:
 - (a) give consideration to the matters listed in clauses 83-90 inclusive, and clauses 96 and 97, as far as they are relevant to subdivision;
 - (b) have regard to any other relevant matters required under this Plan and the provisions of the Act (where subdivision related); and
 - (c) give consideration to the number of lots that will be created under the proposed plan of subdivision and aim to maintain an appropriate balance between the supply of and demand for subdivision.

DEFINITIONS

111. What are definitions and why are they used?

- (1) These definitions apply to terms used throughout the Plan and have been arranged in two groups. Clauses 112–114 inclusive contain the definitions of terms that are not purposes in the context of the zoning provisions. Such terms are included to facilitate interpretation of the purpose definitions and the administration of the Plan generally. Clauses 115–117 inclusive contain the definitions of purposes listed in the Table of Use or Development applicable to zones in Part B of the Plan.
- (2) Terms which are italicised in clause 116 are separately defined (with the exception of legislation), and should be referred to accordingly.

ADMINISTRATIVE DEFINITIONS

112. What are administrative definitions?

- (1) The terms listed in clause 113 are defined to facilitate interpretation of the purpose definitions contained in clauses 115–117 inclusive, and the administration of the Plan generally.

113. Table of administrative definitions

Access	Environment	Permitted Use or Development
Act	Executive Member	Permissible (with Consent) Use or Development
Administration	Existing Lawful Non-Conforming Use	Plan
Amenity	Existing Lawful Use	Planning Area
Ancillary Use	Frontage	Norfolk Island Planning and Environment Board
Appointed Day	Front Boundary	Prohibited Use or Development
Australian Dangerous Goods Code	Gazette	Public Authority
Australian Standard AS 2021	Ground Level	Rear Lot
Australian Standard AS 2870	Gross Floor Area	Road
Building	Heritage Register	Rural Residential
Building Appearance	Land	Schedule
Building Code of Australia	Landscaping	Setback
Building Height	Lot	Sign
Burra Charter	Mean High Water Mark	Site
Curtilage	Minor Protrusion	Streetscape
Demolition	Multi-Unit Code	Structure
Development	Norfolk Island	Subdivide
Development Application	Nuisance	Use
Development Approval	Occupier	Works
Development Control Plan	Office	Yard
Development Standard	Official Survey	Zone
Dwelling Unit	Owner	
Ecologically Sustainable Development	Parcel of Land	
Egress	Permitted (As of Right) Use or Development	
Entrance Strip		

114. The administrative definitions

(1) In this Plan, where a word is undefined, the meaning of the word is taken to be the meaning used in the Shorter Oxford English Dictionary.

(2) In this Plan, unless inconsistent with context or subject matter:

ACCESS means any place where vehicles enter and/or leave a *Road* to or from a *Lot* and includes private entrances, driveways, and farm gates.

ACT means the *Planning Act 2002*.

ADMINISTRATION means the Administration of Norfolk Island.

AMENITY means in relation to a particular area, such qualities or values as contribute to the feeling of pleasantness, harmony and enjoyment.

ANCILLARY USE means any *Use* or *Development* that is integral and subservient to another *Use* or *Development* of the same *Land*.

APPOINTED DAY means the day upon which the notification that the executive member has approved this *Plan* is published in the *Gazette*, or where the context otherwise indicates or requires, the day upon which the notification of approval of any variation to the *Plan* is published in the *Gazette*.

AUSTRALIAN DANGEROUS GOODS CODE means the document titled [Australian Dangerous Goods Code](#) as published from time to time by the Australian Government Publishing Service. The Code currently comprises [The Australian Code for the Transport of Dangerous Goods by Road and Rail Sixth Edition](#), [The Rail \(Dangerous Goods\) Rules](#), and [The Road Transport Reform \(Dangerous Goods\) Regulations](#).

AUSTRALIAN STANDARD AS 2021 means the document titled [Australian Standard AS 2021-2000 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction](#), (or as amended) published by Standards Australia.

AUSTRALIAN STANDARD AS 2870 means the document titled [Australian Standard AS 2870-1996 Residential slabs and footings – Construction](#) and its supplement titled [AS 2870 Supplement 1 –1996 – Residential slabs and footings – Construction – Commentary](#), (or as amended) published by Standards Australia.

BUILDING means any fixed *Structure* which may be wholly or partly enclosed by walls. The term includes any part of a *Building*.

BUILDING APPEARANCE means the combination of finishes, colours and window patterns on the exterior of the *Building* that contribute to its appearance.

BUILDING CODE OF AUSTRALIA means the document titled Building Code of Australia Volumes One and Two, 1996 (or as amended) as published by the Australian Building Codes Board.

BUILDING HEIGHT means the vertical distance between the ground level prior to construction and finished roof height directly above, as measured from any single point on a building.

BURRA CHARTER means the document titled the Australia ICOMOS Charter for Places of Cultural Significance 1999 published by Australia ICOMOS Inc.

CURTILAGE means the area of *Land* appurtenant to a *Building* or other *Structure*.

DEMOLITION means the removal or destruction of all or part of an existing *Building* or *Structure*.

DEVELOPMENT means the *Use* of any *Land* or the erection or *Use* of any *Building* or other *Structure* or the carrying out of *Building*, engineering, mining, or other operations in on, or under the *Land*, or the making of any material change to the *Use* of any premises.

The term includes:

- (a) The construction, exterior alteration or exterior decoration of a *Building* or *Structure*; or
- (b) The *Demolition* or removal of a *Building*, *Structure* or *Works*; or
- (c) The construction or carrying out of *Works*; or
- (d) The subdivision or consolidation of *Land* including buildings or airspace; or
- (e) The placing or relocation of a *Building*, *Structure* or *Works* on *Land*; or
- (f) The construction or putting up for display of *Sign(s)* or hoarding(s).

DEVELOPMENT APPLICATION means an application made for *Development Approval* to *Use* or *Develop* land for a purpose which requires the granting of *Development Approval*.

DEVELOPMENT APPROVAL has the same meaning as defined in the *Act*.

DEVELOPMENT CONTROL PLAN means a plan:

- (a) Indicating a preferred layout and staging for the integrated *Use* and *Development* of *Land*; or
- (b) Detailing specific use or development, or design and siting requirements for a particular area, or specific planning requirements not contained in this Plan Written Statement.

DEVELOPMENT STANDARD means provisions in this Plan in relation to the carrying out of *Use* or *Development*, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that *Use* or *Development*.

DWELLING UNIT means any habitable rooms and other spaces used or intended for *Use* as a self-contained unit to accommodate one household together with such *Land* and outbuildings in the *Curtilage* used for purposes ancillary to the *Use* of the *Building* for human habitation.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT means *Development* which uses, conserves and enhances the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be improved.

EGRESS has the same meaning as *Access*.

ENTRANCE STRIP means all that part of a *Lot* having a width of less than 10 metres and which extends from the Road *Frontage*, and which has as its principal purpose, the provision of access to the remainder of a rear *Lot*.

ENVIRONMENT includes all aspects of humankind's surroundings whether affecting them as individuals or in their social groupings.

EXECUTIVE MEMBER means a person holding office under section 13 of the *Norfolk Island Act 1979 (Cth)*, and who has administrative responsibility for the *Act*.

EXISTING LAWFUL NON-CONFORMING USE means an existing lawful *Use* which, had it not been in existence prior to the appointed day, would constitute a purpose for which any *Building* or other *Structure* may not be erected or used or for which *Land* may not be used.

EXISTING LAWFUL USE means the *Use* of any premises for the purpose for which it was lawfully used before the appointed day or for which a *Development Approval* was granted before the appointed day if the approval has not expired.

FRONTAGE means a boundary of a *Lot* that abuts a *Road*.

FRONT BOUNDARY means any boundary line or part thereof, of a *Lot* that abuts a *Road*. Where the *Lot* is a *Rear Lot*, the *Front Boundary* is the boundary (not being the *Frontage* of the access strip) that is parallel and nearest to the road with which the access strip has a *Frontage*. Where the *Lot* is a corner *Lot* and has *Frontage* on more than one side, the front boundary is considered to be the boundary to which the *building* or proposed *building* faces.

GAZETTE means the Norfolk Island Government *Gazette*.

GROSS FLOOR AREA means the total floor area of the *building* measured from the outside of the external walls or the centre of a common wall.

GROUND LEVEL means the finished level of a *Site*.

HERITAGE ITEM means an item listed in the Heritage Register.

HERITAGE REGISTER means the Norfolk Island Heritage Register established in accordance with the *Heritage Act 2002*.

LAND means any *Land* on *Norfolk Island*. The term includes Phillip and Nepean Islands, and the offshore stacks, where that *Land* is above the *Mean High Water Mark*. The term also includes water covering *Land* where situated above the *Mean High Water Mark*.

LANDSCAPING means the treatment of *Land* for the purpose of enhancing or protecting the amenities of a site and the locality in which it is situated by:

- (a) screening by fences, walls or other means;
- (b) planting of trees, hedges, shrubs and grass;
- (c) formation of banks, terraces or other alterations to the land form;
- (d) laying out of gardens or courts; or
- (e) other amenity features.

The term does not include any form of paving for driveways, parking areas, access lanes, access strips and the like.

LOT means a piece of *Land* or space described in a land title.

MEAN HIGH WATER MARK means the line defined by sea level at Mean High water. An interpretation of this line is shown on the Zoning Map and the *Official Survey* of Norfolk Island.

MINOR PROTRUSION means a *Structure* those projects above the roofline or beyond the external walls of a *Building* or *Structure*. The term includes but is not limited to lift motors, air conditioning equipment, firefighting equipment, aerials, antennae, water tanks, solar panels, finials, chimneys, smoke stacks, telecommunications structures, vents and the like. The term does not include a *Structure* erected for the purpose of supporting *Signs*.

MULTI-UNIT CODE means a code prepared to guide use or development for the purposes of *Residence–Accommodation Units*, *Residence–Dual Occupancy* and *Residence–Multiple Dwelling*, as approved by the executive member.

NORFOLK ISLAND means all *Land* above *Mean High Water Mark* in the Territory of *Norfolk Island* as described in Schedule 1 of the *Norfolk Island Act 1979 (Cth)*.

NORFOLK ISLAND PLANNING AND ENVIRONMENT BOARD means the Norfolk Island Planning and Environment Board as established by the *Norfolk Island Planning and Environment Board Act 2002*.

NUISANCE means nuisance which:

- (a) causes or is likely to cause danger or harm to the health, safety or welfare of any persons; or
- (b) relates to unreasonable or excessive levels of noise, dust or pollution.

OCCUPIER includes a tenant or other lawful occupant of premises, not being the owner.

OFFICE means any premises used for the purpose of administration and clerical, technical, professional or like business activities but does not include retailing.

OFFICIAL SURVEY means the Official Survey of Norfolk Island dated 31 August 1995 and its amendments made in accordance with the *Land Titles (Official Plan) Act 1978* as amended by the *Official Survey Amendment Act 1996*.

OWNER (in relation to any *Land*) has the same meaning as defined in the *Act*.

PARCEL OF LAND means one *Lot*.

PERMITTED (AS OF RIGHT) USE OR DEVELOPMENT means *Use* or *Development* that may be carried out without *Development Approval* from the Norfolk Island Government and which does not require the grant of *Development Approval* under the *Plan*.

PERMITTED USE OR DEVELOPMENT means *Use* or *Development* that requires the Norfolk Island Government's *Development Approval* (but not its consent), and which is subject to conditions imposed by the *Executive Member*.

PERMISSIBLE (WITH CONSENT) USE OR DEVELOPMENT means *Use* or *Development* that may only be carried out with *Development Approval* from the Norfolk Island Government (granted by the *Executive Member* acting upon recommendations from the *Norfolk Island Planning and Environment Board*), and which is also subject to conditions imposed by the *Executive Member*, and is subject to any other approval, consent or permission required under any other enactment.

PLAN has the same meaning as defined in the *Act*.

PLANNING AREA means the whole of the area of *Norfolk Island*.

PROHIBITED USE OR DEVELOPMENT means *Use* or *Development* that may not be carried out under this plan

PUBLIC AUTHORITY means any Corporation, Board, Commission, Trust, Authority, or other body corporate or unincorporated that is established or constituted by or under any statute for any public purpose, but does not include the Administration.

REAR LOT means a *Lot* which lies behind a parcel fronting a *Road* and has access only to that road either by a right of way or access strip.

ROAD means the *Use* or *Development* of *Land* for use as a public right of way or thoroughfare. The term includes formed and unformed roadways, road reservations, bridges, fords and the like, and footpaths (where not part of a road reservation). The term also includes any easements or other forms of access over private property where such easements are shown on the *Official Survey* of Norfolk Island as being a separate *Parcel of Land*, whether or not that *Land* is vested in an estate, private individual ownership, or in the Norfolk Island Government. The term does not include any easements over private property where such easements are not shown on the *Official Survey* as a separate *Parcel of Land*.

RURAL RESIDENTIAL means the *Use* or *Development* of *Land* for primarily residential purposes but including the use or development of that land for predominantly subsistence agricultural activities undertaken for domestic needs and/or personal enjoyment of the occupants of that land.

SCHEDULE means a *Schedule* contained in Part B4 of this Plan.

SETBACK means the minimum distance from any boundary to any part of a building.

SIGN means any notice, banner, pole, panel, hoarding, board, bunting, decorative flag, light, portion of *Building* or other *Structure* used for advertising purposes, categorised as follows:

- (a) Regulatory *Signs* and devices which relate to the safe and effective use of the road system by motorists and pedestrians;
- (b) Directional *Signs* which assist people to navigate their way to a desired destination; and
- (c) Other *Signs* including service, information and commercial advertising *Signs*.

SITE means any *Land* on which *Use* or *Development* is being carried out or is proposed to be carried out, regardless of whether such *Land* forms all or part of a single *Lot*, or a number of contiguous *Lots*.

STREETSCAPE means the aggregation of those things, which together, make up the view for an observer of the street.

STRUCTURE means any *Structure* that is not a *Building*. The term includes but is not limited to a *Sign*, tower, aerial, tank, bridge, pole, dam wall, street furniture, wall, fence or other *Structure* or any part thereof, or anything affixed to or projecting from any *Building*, wall, fence or other *Structure* or any part thereof.

SUBDIVIDE means to:

- (a) *Subdivide*, under the provisions of the *Land Titles Act 1996*, a single parcel of *Land* into two (2) or more separate *Lots*; or
- (b) amalgamate, under the provisions of the *Land Titles Act 1996*, 2 or more adjacent parcels of *Land* into a single *Lot*, other than an amalgamation of *Land* under section 40 of the *Land Titles Act 1996*; or
- (c) adjust the boundary(s) between 2 or more *Lots* so as neither to amalgamate nor *Subdivide* the *Lots*; or
- (d) undertake any combination of the above.

USE (in relation to *Land*) means the manner of utilising *Land*, but does not include the undertaking of *Development*.

WORKS means any change to the natural or existing topography of *Land* including the removal, destruction or lopping of trees and the removal of vegetation or topsoil.

YARD means a part of a site which, except as otherwise provided by the Plan, is to be unoccupied and unobstructed by buildings from that ground upwards.

ZONE means a particular area of *Land* delineated on the Zoning Map within which *Land* may only be used or developed in accordance with any relevant provisions of this Plan.

PURPOSE DEFINITIONS

115. What are purpose definitions?

- (1) The *Use or Development of Land* shall be categorised in accordance with the definitions contained in clause 117 of the Plan.
- (2) The terms listed in clause 116 are defined as purposes for which *Use or Development* may be carried out.

116. Table of purpose definitions

Agriculture	Industry Class	Residence (Class)
Airport	Industry – Extractive	Residence – Accommodation Units (Low Density)
Business Premises	Industry – General	Residence – Accommodation Units (Medium Density)
Car Park	Industry – Light	Residence – Dual Occupancy
Child-Care Centre	Industry – Noxious, Hazardous or Offensive	Residence – Dwelling House
Club	Industry – Rural	Residence – Multiple Dwelling
Concrete Batching Plant	Intensive Animal Husbandry	Residence – Residential Care Establishment
Dangerous Goods Store	Licensed Club	Resort
Depot	National Park	Road
Earthworks	Open Space	Salvage Yard
Educational Establishment	Outdoor Sport and Recreation Facility	Service Station
Food Premises	Park	Shop – Local
Forestry	Place of Assembly	Shop
Garden Centre	Place of Public Worship	Subdivision – Major
Government House and Domain	Public Building	Subdivision – Minor
Home Industry	Public Works – Major	Tourist Facility
Home Occupation	Public Works – Minor	Vehicle Sales or Hire Yard
Hospital		Veterinary Establishment
Hotel		Warehouse Premises
Indoor Sport and Recreation Facility		Wharf

117. The purpose definitions

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- (1) In this Plan, where a word is undefined, the meaning of the word is taken to be the meaning used in the Oxford Shorter English Dictionary.
- (2) In this Plan, unless inconsistent with context or subject matter:

AGRICULTURE means the *Use or Development of Land* for general farming and includes:

- (a) husbandry, including grazing and the keeping and breeding of livestock and bees; or
- (b) horticulture

other than for the domestic needs and/or personal enjoyment of the occupants of that place.

The term includes the storage on that *Land* of any produce resulting from that *Agriculture*, and it includes the *Use or Development of Land* for the purposes of a stable (where that *Use* is not *Intensive Animal Husbandry*).

The term does not include any *Intensive Animal Husbandry, Forestry or Garden Centre* defined elsewhere in this section.

AIRPORT means the *Use or Development of Land* for the landing or departure of aircraft whether or not that *Land* includes facilities for the housing, servicing, maintenance or repair of aircraft, or for the assembly and/or dispersal of passengers or goods onto or from an aircraft.

BUSINESS PREMISES means the *Use or Development of Land*:

- (a) for the carrying on of the business of a bank, building society or the like;
- (b) for the carrying out of a business based on electronic data processing;
- (c) as an office in or in connection with-
 - (i) the provision of professional services or the giving of professional advice by a person practising or carrying on a profession; or
 - (ii) a business or commercial purpose; or
- (d) otherwise for business or commercial purposes,

but does not include any *Land* used for a *Shop* or other purpose elsewhere specifically defined in this section.

CAR PARK means the *Use or Development of Land* for the parking of motor vehicles as a private or public car park, where that parking is not merely incidental to or associated with the *Use of Land* for some other purpose. The term does not include part of any *Road* used for parking.

CHILD-CARE CENTRE means the *Use or Development of Land* for a kindergarten, crèche or pre-school centre, or any other place used or intended for *Use* for the minding or care, but not residence, of children for fee or reward.

CLUB means the *Use or Development of Land* for a club, lodge, friendly society or like organisation, whether incorporated or not, and includes *Use of the Land*, in part, as an office for the administration of the affairs of the club, lodge, friendly society or like organisation. A *Use of Land* for the purpose of a club does not include any residential class use, and does not include *Use of the Land* as a *Licensed Club*.

CONCRETE BATCHING PLANT means the *Use or Development of Land* for the mixing of concrete for *Use* elsewhere.

DANGEROUS GOODS STORE means the *Use or Development of Land* for the storage, either above ground or below ground, of goods listed in the *Australian Dangerous Goods Code* (as amended from time to time). The term includes the *Use* of premises used or intended for use for the storage of:

- (a) liquefied petroleum gas where the total storage at the facility exceeds 4000 litres;
- (b) petrol, or petroleum where the total storage at the facility exceeds 10500 litres.

DEPOT means the *Use or Development of Land* as a depot for the storage of any equipment, vehicles and/or materials used in the transport, building, construction or related industries, and includes the lease or hiring of such equipment, whether or not routine servicing of any of those items is carried out at that premise.

EARTHWORKS means the *Use or Development of Land* for the cutting of natural ground (“cut”) and/or the depositing of any material or substance (“fill”) on *Land*, or the letting remain on *Land* of any material or substance deposited thereon.

EDUCATIONAL ESTABLISHMENT means the *Use or Development of Land* for the purposes of a school, public library, public lecture hall, art gallery (other than for business purposes), museum, sheltered workshop, or any other place used or intended for *Use* for the training or teaching of people. The term includes school, which means the *Use or Development of Land* as an institution at which primary education, secondary education, tertiary education, vocational education, or any combination thereof, is provided.

FOOD PREMISE means the *Use or Development of Land* for the preparation and/or sale of food and drink to the public. The term includes but is not limited to the activities listed in the Table of Food Premises. The term does not include a *Resort* or *Shop*.

Table of Food Premises

- Café
- Fast Food Shop
- Kiosk
- Mobile Kiosks
- Milk Bar
- Restaurant
- Snack Bar
- Take Away Food Shop
- Tea Gardens
- Tea Rooms

FORESTRY means the *Use or Development of Land* for the planting or tending in a plantation or forest of trees intended for felling, and includes any associated nursery used for the propagation of plants necessary to the forestry operation. The term includes any storage and maintenance facility for vehicles and machinery necessary to the forestry operation.

GARDEN CENTRE means the *Use or Development of Land* as a place primarily used or intended for use for the sale, or displaying or offering for sale, by retail of plants and other materials suitable for use in gardening or *Landscaping* whether or not those plants are propagated at that place.

GOVERNMENT HOUSE AND DOMAIN means the *Use or Development of Land* for the purposes of an official residence of the Administrator and the Administrator's family, a workplace for the Administrator, a workplace for the Administrator's household staff, the conduct of functions (including open days) to which guests have been invited, the maintenance of a *Curtilage*, including gardens and *Landscaping* managed in accordance with a management plan that will enhance community appreciation of the principle *Buildings and Structures* on the *Site*, the maintenance of the cultural significance of the place for past, present and future generations of Norfolk Islanders and other Australians, and other ancillary purposes.

HOME INDUSTRY means the *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; and
- (c) 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, waste water, waste products, radio or electrical interference or otherwise; and

the conduct of which does not comply with the provisions of a *Home Occupation* as separately defined in this section.

HOME OCCUPATION means the *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) does not involve the employment of persons other than the residents of the dwelling; and
- (b) 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
- (c) 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
- (d) 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, waste water, waste products, radio or electrical interference or otherwise; and
- (e) does not involve the exhibition of any notice, advertisement or *Sign* other than a notice or *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
- (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
- (g) is not a *Home Industry*.

HOSPITAL means the *Use or Development of Land* for the medical or surgical care or treatment of persons residing thereat, whether or not those premises are also used for the medical or surgical care or treatment of persons not residing thereat. The term includes the residential use of any part of those premises by a person conducting or employed at that hospital.

HOTEL means the *Use or Development of Land* as premises where alcohol is consumed and to which approval has been granted under the *Liquor Act 1960* to supply alcohol, whether or not the alcohol has been manufactured on the site. The term does not include a premise that is licensed under Section 14 of the *Liquor Act 1960*.

INDOOR SPORT AND RECREATION FACILITY means the *Use or Development of Land* at which members of the public participate in sport, athletics or other recreation indoors. The terms includes, but is not limited to, *Use of premises as an indoor fitness centre, gymnasium, dance studio, skating rink, amusement hall, cinema, or the like, where those premises are not a Resort.*

INDUSTRY (CLASS) is a generic term which means the *Use or Development of Land* for the purpose of an *Industry – Rural, Industry – Light Industry, Industry – General, Industry – Noxious, offensive or hazardous, or Industry – Extractive* as separately defined in this section:

The general term industry includes any of the following operations:

- (a) Any manufacturing process whether or not such process results in the production of a finished article; or
- (b) The breaking up or dismantling of any goods or articles for trade, sale or gain, or ancillary to any business; or
- (c) The extraction of sand, gravel, clay, minerals, turf, soil, rock, stone or similar substances from *Land*; or
- (d) Repairing and servicing of articles, including vehicles, machinery, buildings or other structures, but not including on-site work on buildings or other structures; or
- (e) Any operation connected with the installation of equipment and services and the extermination of pests, but not including on-site work on buildings or other structures on *Land*; or
- (f) The dismantling of motor vehicles, whether the dismantling is carried out by one operation or by a series of operations.

When conducted on *Land* where any of the above operations are carried on:-

- (a) The storage of goods used in connection with or resulting from any of the above operations; or
- (b) The provision of amenities for persons engaged in such operations; or
- (c) The sale of goods resulting from such operations; or
- (d) Any work of administration or accounting in connection with such operation;
- (e) Any industry or any class of industry particularly described or defined in this Plan;
- (f) A branch of an industry or a group of industries.

The term does not include a *Dangerous Goods Store, Home Occupation, Home Industry, Salvage Yard, Service Station or Warehouse Premises.*

INDUSTRY – GENERAL means the *Use or Development of Land* for the purpose of carrying on an *Industry* which is not otherwise defined or described in this section.

INDUSTRY – LIGHT means the *Use or Development of Land* of any *Industry* included but not limited to those industries listed in the Table of Light Industry which:-

- (a) Does not, in the opinion of the Administration, 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 Administration, 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.

Table of Light Industry

Mixing, blending, packing, or preparing any food or drink for human consumption, (other than where defined as an *Industry – Noxious, Hazardous or Offensive*, or as part of a *Food Premises*), including a butcher and baker, or any of the following:

- Artificial flower manufacturing
- Artificial limb manufacturing works
- Bag manufacturing
- Bedding manufacturing
- Blacksmithing
- Blind manufacturing
- Bonded store
- Bookbinding
- Boot and shoe manufacturing
- Boot and shoe repairing
- Bottling works
- Brake repairing
- Brass working
- Bread manufacturing
- Bristle and hairgoods manufacturing
- Builder's workshops and yards
- Cabinet making
- Cake ornament manufacturing
- Canvas goods manufacturing
- Cardboard box and articles manufacturing
- Carpentry
- Chaff milling
- Cleaning contractor's establishments
- Clock and watch manufacturing or repairing
- Clothing manufacturing
- Coach building
- Coat hanger manufacturing
- Coir goods manufacturing
- Cold stores
- Confectionery manufacturing
- Cooperages
- Corset making
- Cosmetic manufacturing
- Cotton goods manufacturing
- Cycle repairing
- Delivery depots
- Dental goods manufacturing
- Diecasting (up to 0.4 hectares in area)
- Dressmaking
- Driving instruction depot
- Dry cleaning and dyeing
- Duplicating and copying

-
- Electrical goods repairing and maintenance Electrical signs manufacturing
 - Engraving
 - Fence posts and paling depots
 - Fibreglass manufacturing
 - Film developing and printing
 - Fishing gear manufacturing
 - Fishmongering
 - Freezing works
 - Fur goods manufacturing
 - Furniture repairing
 - Furniture storage
 - Gas appliance workshops
 - Gasket manufacturing
 - Glass cutting and silver works
 - Glazing
 - Harness manufacturing
 - Hat manufacturing
 - Herb products manufacturing
 - Hessian manufacturing
 - Hosiery manufacturing
 - House removing depots
 - Instrument manufacturing
 - Jewel case manufacturing
 - Joineries
 - Jute goods manufacturing
 - Laundry
 - Lawnmower repairing
 - Leadlight works
 - Leather goods manufacturing
 - Lock and key manufacturing and repairing
 - Locksmith's establishments
 - Mattress manufacturing
 - Medical goods manufacturing
 - Milk depots
 - Millinery manufacturing
 - Musical instrument manufacturing
 - Musical instrument repairing
 - Napery manufacturing
 - Neon sign works
 - Newspaper publication
 - Ornament manufacturing
 - Packaging works
 - Painter's depots
 - Panel Beating
 - Parcel delivery depots
 - Pastry cooking
 - Pattern making
 - Pest control
 - Plaster modelling and moulding
 - Plastic goods manufacturing
 - Polish manufacturing
 - Printing
 - Process engraving
 - Radio works
 - Saddleries
 - Shopfitting

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- Signwriting
 - Sports goods manufacturing and repairing
 - Spray Painting
 - Stationery manufacturing
 - Stereo manufacturing
 - Stockfood manufacturing
 - Straw hat manufacturing
 - String manufacturing
 - Surgical supplies manufacturing
 - Tailoring
 - Taxicab depots
 - Tent manufacturing
 - Tool repairing and sharpening;
 - Tradesman's yards
 - Travelling requisites manufacturing
 - Umbrella manufacturing
 - Upholstering
 - Wax products manufacturing

INDUSTRY – NOXIOUS, HAZARDOUS OR OFFENSIVE means the *Use or Development of Land* for the carrying on of an *Industry* which by reasons of the processes or materials involved or the method of manufacture or the nature of the processes or materials used or produced, requires isolation from other buildings or areas of human activity or occupation because of the detrimental effect which such processes or materials might have on the amenity of such areas or the health of its occupants and including, but not limited to, those industries included in the Table of Noxious, Hazardous or Offensive Industry following:-

Table of Noxious, Hazardous or Offensive Industry

Any *Industry* included under the definition of *Industry – Light* or *Industry – General* which does not comply with the requirements of that definition and is considered to be *Industry – Noxious, Hazardous or Offensive*; and

The industries listed below:-

- Abattoir, slaughter house or slaughter yard (livestock including poultry)
- Acetylene manufacturing or storage
- Acid manufacturing
- Ammonia manufacturing or storage
- Ammunition manufacturing or storage
- Animal by-products manufacturing
- Arsenal
- Battery smelters
- Boiling disencrustant fluid manufacturer
- Boiling down works
- Bone mill
- Bottled gas manufacturing or storage (excluding storage of bottled gas used for domestic purposes in quantities less than one hundred [100] kg)
- Carbide manufacturing
- Cement and lime works
- Chemical works
- Cleansing material manufacturing
- Crushing mill
- Disinfectant pest destroyers and germicide manufacturing
- Distillery
- Explosives manufacturing or storage
- Fellmonger

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- Fertiliser works
 - Fireworks manufacturing or storage
 - Fish products works
 - Flammable liquid manufacturing
 - Fruit and vegetable spray manufacturing
 - Garbage and refuse disposers
 - Gasses and products works
 - Glue manufacturing
 - Gunpowder manufacturing or storage
 - Hide, skin and tallow store
 - Kerosene manufacturing
 - Knackery
 - Match manufacturing
 - Meat, poultry or seafood processing or preserving (other than as part of a butcher)
 - Metal screening plants
 - Oil cloth and lino manufacturing
 - Oil manufacturing
 - Oil refinery
 - Oxygen production
 - Paper or paper products manufacture
 - Petroleum and petroleum products refining
 - Photographic film manufacturing
 - Pickling (engineering)
 - Plastic manufacturing
 - Poison manufacturing
 - Pulp Mill
 - Preserving works
 - Radioactive waste disposal services
 - Rubber mill
 - Sanitary depot
 - Sewage treatment works
 - Skin drying
 - Smelting works
 - Soap works
 - Solder manufacturing
 - Stone crusher and screen
 - Tanalising works
 - Tannery
 - Tar and tar products manufacturing
 - Turpentine manufacturing
 - Varnish factory
 - White ant and borer exterminator
 - Woolscour
 - Zinc oxide works

INDUSTRY – EXTRACTIVE means any industry involving the extraction of sand, clay gravel, turf, soil, rock, stone or similar materials from *Land* including, when carried out on the *Land* from which any substances are extracted or on *Land* adjacent thereto, the treatment of such materials and the manufacture of products from such materials.

INDUSTRY – RURAL means the *Use or Development of Land* for the purposes of handling, treating, processing or packing of primary agricultural products and includes the servicing in a workshop of plant and/or equipment used for agricultural purposes on the premises. The term does not include the *Use* of premises used for a purpose separately defined elsewhere in this section.

INTENSIVE ANIMAL HUSBANDRY means the *Use or Development of Land* as a cattery, a goat farm, kennels, a piggery or a poultry farm, or *Use of any Land* for the purpose of lot feeding.

LICENSED CLUB means the *Use or Development of Land* for the purposes of a club, lodge, friendly society or like organisation, whether incorporated or not, whether or not those premises are also used or intended for *Use* in part as an office for the administration of the affairs of the club, lodge, friendly society or like organisation and are premises to which a club licence is issued under the *Liquor Act 1960*. A *Use* of premises for the purpose of a *Licensed Club* does not include any residential use, and does not include use of the premises elsewhere defined in this section.

NATIONAL PARK means the *Use or Development of Land* for the purposes of the Norfolk Island National Park and Norfolk Island Botanic Garden established under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. The term includes premises used for the administration of *Land* declared to be the Norfolk Island National Park and Norfolk Island Botanic Garden, and *Land* used in connection with the Norfolk Island National Park and Norfolk Island Botanic Garden.

OPEN SPACE means the *Use or Development of Land* that has its surface area open to the sky and is totally or predominantly undeveloped which is an essential component of our urban and rural environments as it serves a number of basic human and ecological needs including:

- (a) Providing outdoor recreation opportunities;
- (b) Maintaining natural processes and protection of environmentally sensitive areas, cultural heritage and valuable natural resources; and
- (c) Providing a visually pleasant landscape which contributes to scenic quality and environmental amenity as well as facilitating cultural enhancement.

OUTDOOR SPORT AND RECREATION FACILITY means the *Use or Development of Land*, whether for commercial benefit or not, at which members of the public participate in sport, athletics or other recreation outdoors. The term includes, but is not limited to, *Use of premises* as a golf course, tennis courts (whether night lighted or not), sports fields, archery, swimming pools and the like. The term does not include the *Use of premises* for the purposes of a *Licensed Club*.

PARK means the *Use or Development of Land* to which the public has rights of access, for open-air recreation, and which is maintained. A *Use of premises* for the purpose of a park includes the use of any facilities provided for the enjoyment or convenience of the public including but not limited to picnic places, places for enjoying views, routes for nature study, parking places and footways, information and display areas for the promotion of such *Land*, shelters and other public conveniences, and/or children's play areas. The term does not include any use of premises for the purpose of an *Outdoor Sport and Recreation Facility*.

PLACE OF ASSEMBLY means the *Use or Development of Land* as a public hall, conference centre, function room, theatre, cinema, music hall, concert hall, dance hall, open-air theatre or drive-in theatre. The term does not include any place that is, or is part of, any *Educational Establishment, Hotel, Park, Place of Public Worship*, restaurant, or premises used for the purpose of *Indoor Sport and Recreation Facility* or *Outdoor Sport and Recreation Facility*.

PLACE OF PUBLIC WORSHIP means the *Use or Development of Land* for public religious activities of a religious organisation whether or not those premises are also used for religious instruction. The term includes the *Use of those premises* for the social or recreational activities of, or conducted by, the relevant religious organisation; and the residential use by a minister of religion of a building erected on the *Land*

contained in those premises. The term does not include the *Use of any Child-care Centre or Educational Establishment*.

PUBLIC BUILDING means the *Use or Development of Land* as offices or for administration or other like purposes by the Crown, the Administration, or by some statutory authority or corporation of a public character exercising public functions and includes *Use or Development of Land* for any individual or combined emergency service providers.

PUBLIC WORKS – MAJOR means the *Use or Development of Land* for the purposes of the supply or provision by the Administration or other statutory bodies of an installation that is a generating works, electrical sub-station or transformer of more than 300Kva, alternative energy installations, sewerage or refuse treatment or disposal works (including sanitary land fill), waste disposal facilities, pumping station, cemetery or crematorium, and transmitting and/or receiving installation for telephone, radio broadcasting, television, cable or satellite television. The term includes any office necessary for the administration of the public work located on that *Land*. The term also includes any works depot used exclusively by the Administration, and/ or by individual or combined emergency service providers.

PUBLIC WORKS – MINOR means the *Use or Development of Land* for the purposes of the supply or provision by the Administration or other statutory bodies as may be required to provide water, electricity, gas, sewerage or drainage services, or communications infrastructure where that infrastructure is not a Public Work (Major).

RESIDENCE (CLASS) is a generic term which means the *Use or Development of Land* as *Residence – Accommodation Units, Residence – Dual Occupancy, Residence – Dwelling House, Residence – Multiple Dwelling, or Residence – Residential Care Establishment*. The term “residence” is used in a number of definitions in this section. Where the generic term is used, any of the uses included in the definition of residence is accepted.

RESIDENCE – ACCOMMODATION UNITS (LOW DENSITY) means the Use or Development of land as a boarding-house, cabin, guest-house, hostel, serviced rooms, backpackers’ accommodation, or tourist accommodation units, where the use or development results in no more than 30% of the lot(s) being occupied by buildings, access, parking, units and their immediate curtilages, and all other hard surface areas, and where the accommodation is short stay and the individual dwellings are not to be separately leased or sub-let, except where accommodation is provided for a person employed at the accommodation units. The term does not include any Residence – Dual Occupancy, Residence – Dwelling House, Residence – Multiple Dwelling, Residence – Residential Care Establishment or Resort as defined in this section.

RESIDENCE – ACCOMMODATION UNITS (MEDIUM DENSITY) means the Use or Development of land as a boarding-house, cabin, guest-house, hostel, serviced rooms, backpackers’ accommodation, or tourist accommodation units, where the accommodation is short stay and the individual dwellings are not to be separately leased or sub-let, except where accommodation is provided for a person employed at the accommodation units. The term does not include any Residence – Dual Occupancy, Residence – Dwelling House, Residence – Multiple Dwelling, Residence – Residential Care Establishment or Resort as defined in this section.

RESIDENCE – DUAL OCCUPANCY means the *Use or Development of Land* as two only *Dwelling Units* either attached or detached which are sited on one *Parcel of Land*.

RESIDENCE – DWELLING HOUSE means the *Use or Development of Land* as a single detached *Dwelling Unit* that is sited on one or more *Parcel of Land*. The term includes: -

- (a) *Use* as a family day care centre for the reception by a competent person resident therein, of children, and the minding of or caring for such children by a person for a day, or part of a day for

fee or reward, provided that the number of visiting children does not exceed 4 at any one time; and

- (b) *Use* to accommodate physically or mentally disabled people where the number of people accommodated (including carers) does not exceed 6.

The term does not include a *Residence – Accommodation Unit*, or *Residence – Multiple Dwelling* or part thereof as separately defined in this section.

RESIDENCE – MULTIPLE DWELLING means the *Use* or *Development* of *Land* in accordance with the provisions of the *Multi-Unit Code* for premises that comprise more than two *Dwelling Units*, whether or not the development is prepared in accordance with the provisions of applicable strata-titling legislation. The term does not include any *Residence – Accommodation Unit*; *Residence – Dual Occupancy*; *Residence – Dwelling House*; *Residence – Residential Care Establishment*; or *Resort* or part thereof as separately defined in this section.

RESIDENCE – RESIDENTIAL CARE ESTABLISHMENT means the *Use* or *Development* of *Land* for the purpose of accommodation for disabled people where the number of people accommodated (including carers) exceeds six, or the accommodation of aged persons.

RESORT means the *Use* or *Development* of *Land* for *Building* or *Buildings* that function as an integrated complex containing a number of separate areas of occupation together with such area/s as is/are necessarily incidental thereto including restaurant and bar facilities (where licensed and approved under the *Liquor Act 1960*), conference facilities, entertainment, sporting and recreation facilities and the like. The term includes premises for accommodating tourists or visitors. A *Use of Land* for the purpose of a resort includes the use of any office at those premises in connection with the conduct of the resort, and the residential use of any separate area of accommodation for any person conducting or employed at the resort.

ROAD means the *Use* or *Development* of *Land* for use as a public right of way or thoroughfare. The term includes formed and unformed roadways, road reservations, bridges, fords and the like, and footpaths (where not part of a road reservation). The term also includes any easements or other forms of access over private property where such easements are shown on the *Official Survey* of Norfolk Island as being a separate *Parcel of Land*, whether or not that *Land* is vested in an estate, private individual ownership, or in the Norfolk Island Government. The term does not include any easements over private property where such easements are not shown on the *Official Survey* as a separate *Parcel of Land*.

SALVAGE YARD means the *Use* or *Development* of *Land* for stripping, sorting, packing, breaking up for demolition, or storing of goods (whether or not for distribution) in connection with any junkyard, scrap materials (including metal) dealers yard, motor vehicle wreckers yard, or plant wreckers yard.

SERVICE STATION means the *Use* or *Development* of *Land* for use for the retail fuelling of motor vehicles, the supply of lubricants and other requirements, the carrying out or servicing such as oil-changing, greasing, cleaning or repairs, and includes the sale of associated accessories, parts or the like, but does not include a *Dangerous Goods Store* or a *Shop*. The term does not include body building, panel beating or spray painting. (See *Industry*)

SHOP – LOCAL means the *Use* or *Development* of *Land* for a *Building*, the *Gross Floor Area* of which does not exceed 100 square metres, for the sale, or displaying or offering for sale, by retail of goods for the day to day needs of the surrounding neighbourhood.

SHOP means the *Use or Development of Land* for the purpose of displaying or offering goods or services for sale by retail. The term does not include any of the uses listed in the Table included in the definition of *Food Premises*. The term does not include a butcher (where slaughtering of animals is also undertaken) (see *Industry*).

SUBDIVISION – MAJOR means to *Subdivide Land* where:

- (a) the subdivision is not a Subdivision – Minor; and
- (b) lot sizes may be smaller than the relevant minimum lot size specified in this Plan provided that the subdivision does not result in a net increase in the number of privately-owned lots, except in accordance with subclause 11(1)(e).

All proposals for Subdivision – Major must satisfy all other relevant Subdivision Standards.

SUBDIVISION – MINOR means to *Subdivide Land* where:

- (a) there is no net increase in the number of privately-owned lots; and
- (b) the areas of the lots created are not less than the relevant minimum lot size specified in this Plan; and
- (c) the reorganisation or amalgamation of lots is primarily to enable better management of the land for the purpose consistent with the intent and objectives of the zone(s), or to provide for public services, utilities, access or open space, and where the new boundaries give consideration to topography, perennial and other bodies of water, access and frontage requirements to each lot, and the location of other natural and artificial features.

TOURIST FACILITY means the *Use or Development of Land* primarily for the entertainment, recreation and/or amusement of tourists whether for commercial gain or otherwise. The premises may include a residential component but such residence is only for the accommodation of the *Owner* or caretaker of the premises. The term does not include use of the premises as a *Resort*.

VEHICLE SALES OR HIRE YARD means the *Use or Development of Land* for the display for sale, hire or leasing of motor vehicles and motor cycles, boats, trailers or any combination of these. The term includes sale, hire or leasing or accessories. The term also includes *Ancillary Use* of the *Land* for an office and/or servicing facility used in connection with the use of the *Land* as a *Vehicle Sales or Hire Yard*.

VETERINARY ESTABLISHMENT means the *Use or Development of Land* for use by a veterinary surgeon in the practise of that occupation including premises where provision is made at those premises for the accommodation of animals undergoing medical or surgical treatment.

WAREHOUSE PREMISES means the *Use or Development of Land* for the storage of goods of whatever description, whether or not any of those goods are sold by wholesale thereat, where that other place is not a place or premises elsewhere specifically defined in this section. The term includes *Ancillary Use* of the *Land* for an office and/or garaging of vehicles used in connection with the use of the *Land* as a Warehouse Premises.

WHARF means the *Use or Development of Land* in connection with water transport as a place from or at which goods are taken on or landed from vessels whether or not passengers are taken on or *Landed* from vessels thereat. The *Use* includes the *Ancillary Use* of an office used in connection with the wharf or the temporary storage of goods, which are to be taken on vessels thereat, or which have been landed thereat, from vessels.

PART B4

SCHEDULES

SCHEDULE 1

LIST OF BLOCKS SUBJECT TO THE PROVISIONS OF THE KAVHA REGULATORY CLAUSES

S1.1 KINGSTON AND ARTHUR'S VALE HISTORIC AREA

(1) The following listing of blocks and any subdivision thereof are subject to the provisions of clause 77. The list of lots includes those included currently wholly or partially within the area known as KAVHA and included in the Heritage Overlay.

- 52r
- 57a4
- 57a5
- 64b
- 65d1
- 65d2
- 65e1
- 65e2
- 67a
- 67c
- 67i(rem)
- 67n
- 67r
- 78a
- 78b
- 79a
- 79b
- 79i
- 80a
- 80b3
- 80b4
- 81b
- 81d
- 81e
- 81f
- 81g
- 81h
- 81i
- 81j
- 81k
- 91a
- 91b
- 173
- 176a1
- 177
- 179a1
- Kingston Common Reserve
- War Memorial Reserve
- Cemetery Reserve
- Point Hunter Reserve
- Government House Grounds Reserve
- Kingston Recreation Reserve
- Lot 1 of Section 4 (Munna's)
- Lot 2 of Section 4 (Pier area, and Munna's)
- Lot 3 of Section 4 (King's Memorial)
- Lot 4 of Section 4 (Lion's Club)
- Lot 5 of Section 4 (Civil Hospital)
- Lot 6 of Section 4 (Pier)
- Lot 14 of Section 4 (Golf Club)
- Lot 2 of Section 5 (Old Military Barracks, No.7 and No.8 Quality Row)
- Lot 3 of Section 5 (No.9 Quality Row)
- Lot 4 of Section 5 (Easement Quality Row)
- Lot 5 of Section 5 (No.5 Quality Row)
- Lot 7 of Section 6 (Officer's Bath)
- Lot 81 of Section 6 (New Military Barracks)

SCHEDULE 2

DEVELOPMENT OF SPECIFIC SITES

S2.1 SPECIFIC SITES SUBJECT TO CLAUSE 104

(1) The following table lists sites that are subject to the provisions of clause 104.

Additional use or development that may occur as permissible (with consent) use or development		
Lot	Purpose	Conditions
Portion 57d2 Collins Head Road	Addition of three Residence – Accommodation units and one transit lounge to “Endeavour Lodge”	As detailed in the Instrument of Approval for Development Application DA 0021/08.
Portion 34j1 Martins Road	Subdivision into a total of 2 portions	As detailed in the Instrument of Approval for Development Application DA 0019/11.
Portion 85 New Farm Road	Use and development of land for an “Industry – Noxious, Hazardous or Offensive”	As detailed in the Instrument of Approval for Development Application DA 0041/11
Portions 54c5, 54c6, 54c7 & 54c8 Middlegate Road	Use and Development of the land for the purpose of “Educational Establishment” and “Shop”.	As detailed in the Instrument of Approval for Development Application DA 0027/12.
Portion 47c1 Martins Road	Subdivision into a total of 2 portions	As detailed in the Instrument of Approval for Development Application DA 0023/13.
Portion 21b2 Selwyn Pine Road	Subdivision into a total of 2 portions	As detailed in the Instrument of Approval for Development Application DA 0041/14.
Part Portion 162, part RD 46 and part Cascade Reserve as shown on the Drawing attached to Plan Variation No. 16/01	Temporary Construction Site for works and activities associated with the Cascade Jetty Upgrade as described in DA 0050/15 as approved: including the following use and development: “Wharf”; “Concrete Batching Plant”; “Dangerous Goods Store”; “Industry - General”; and “Public Works Major”.	<ol style="list-style-type: none"> As detailed in the Notice of Decision for Development Application DA 0050/15; and The approved plan to vary the Plan as described in this schedule expires five years after the date of the approval of the draft plan by the Minister.
Part of Lot 28, Youngs Road, being part of Cascade Reserve as shown on the Site Plan attached to Plan Variation 16/03	Temporary use and development of the land for “Industry – General”, to allow storage of pre cast concrete units and materials associated with the Cascade Jetty Upgrade only.	<ol style="list-style-type: none"> As detailed in the Notice of Decision for Development Application 0038/16; and The approved plan to vary the Plan as described in this schedule expires five (5) years after the date of the approval of the draft Plan by the Minister

SCHEDULE 3

CONVERSION TABLES

S3.1 Summary Conversion Table

1 link = 0.201168 metres	1 metre = 4.9709695378 links
1 foot = 0.3048 metres	1 metre = 3.2808398950 feet
1 yard = 0.9144 metres	1 metre = 1.0936132983 yards
1 acre = 0.40468564224 hectares	1 hectare = 2.4710538146 acres
1 perch = 25.29285264 square metres	1 square metre = 0.03953686103 perches
1 hectare = 10,000 square metres	

S3.2 Area Conversion Tables

1 square inch = 645.16 square millimetres

1 square foot = 0.09290304 square metres

1 square yard = 0.83612736 square metres

1 square mile = 2.589988110336 square kilometres

10,000 square metres = 1 hectare

SQUARE METRES TO ACRES, ROODS, AND PERCHES

$1\text{m}^2 = 0.03953686103$ perches

SQUARE METRES	ACRES	ROODS	PERCHES
100	0	0	03.954
200	0	0	07.907
300	0	0	11.861
400	0	0	15.815
500	0	0	19.768
600	0	0	23.722
700	0	0	27.676
800	0	0	31.629
900	0	0	35.583
1000	0	0	39.537
2000	0	1	39.074
3000	0	2	38.611
4000	0	3	38.147
8000	1	3	36.295
10000	2	1	35.369

HECTARES TO ACRES, ROODS, AND PERCHES

1 ha = 395.3686103 perches

= 2.4710538146 acres

HECTARES	ACRES	ROODS	PERCHES
1	2	1	35.369
2	4	3	30.737
3	7	1	26.106
4	9	3	21.474
5	12	1	16.843
6	14	3	12.212
7	17	1	07.580
8	19	3	02.949
9	22	0	38.317
10	24	2	33.686
20	49	1	27.372

S3.3 Length Conversion Tables

METRES TO FEET

1 m = 3.2808398950 feet

METRES	FEET
1	3.281
2	6.562
3	9.843
4	13.123
5	16.404
6	19.685
7	22.966
8	26.247
9	29.528
10	32.808
15	49.213

METRES	FEET
20	65.617
25	82.021
30	98.425
35	114.829
40	131.234
45	147.638
50	164.042
55	180.446
60	196.850
65	213.255
70	229.659

METRES	FEET
75	246.063
80	262.467
85	278.871
90	295.276
95	311.680
100	328.084
200	656.168
300	984.252
400	1312.34
500	1640.420

S3.4 Volume Conversion Table

LITRES TO GALLONS

LITRES	GALLONS
1	0.21997
10	2.19970
100	21.99700
1000	219.97000
10000	2199.70000
40000	8798.80000