



NORFOLK ISLAND PLAN 2002

DRAFT HOUSEKEEPING AMENDMENT 2022

SUBMISSIONS REPORT

JANUARY 2023

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ABBREVIATIONS AND ACRONYMS

Acronym/Abbreviation/Term	Description
Amendment	Draft Housekeeping Amendment 2022
Council	Norfolk Island Regional Council
Draft NI Plan	Draft Housekeeping Amendment 2022 as an amendment to the Norfolk Island Plan 2002
The Act	Planning Act 2002 (NI)

1.0 INTRODUCTION

Public notification of the Draft Housekeeping Amendment 2022 (Amendment) to the Norfolk Island Plan 2002 (draft NI Plan) was undertaken between 28 October 2022 and 28 November 2022. A total of 10 submissions were received during the notification period.

This document summarises submissions received from the community about the draft NI Plan. It also outlines Norfolk Island Regional Council's (Council) response to the feedback, and recommendations on the way forward.

Key issues raised by the community, Council's response to these issues and recommended actions are provided in Sections 2 and 3. Every submitter to the draft plan has been allocated a submitter reference number. Submitters can find how Council has responded to their individual submissions by searching the submission reference column in the tables in section 3.

This submissions report captures and responds to all planning related comments, concerns and ideas that were raised during the notification process. This report is intended to be read in conjunction with the Amendment.

2.0 SUBMISSION KEY ISSUES

The key issues raised during notifications are categorised under the following themes:

THEME	BROAD COMMENTS
Notification/Purpose of the Amendment	<ul style="list-style-type: none"> ▪ Concern with the scale and objective of the changes proposed within the draft plan. ▪ Concern with the community engagement process.
Definitions	<ul style="list-style-type: none"> ▪ Suggestions for amendments to administrative and purpose definitions to ensure the definitions are practical and relevant to the Norfolk community.
Table of uses or development	<ul style="list-style-type: none"> ▪ Suggestions for changes to the categories of use or development for a range of zones to either encourage or discourage certain uses or development types. ▪ A number of submissions stated support for changes which encourage certain uses in the Mixed Use and Business Zone.
Development standards	<ul style="list-style-type: none"> ▪ Support for the retention of minimum lot sizes in the Rural and Rural Residential Zones. ▪ Various concerns about residential uses within the Business Zone.
Rezoning	<ul style="list-style-type: none"> ▪ Concern about rezoning from Light Industry to Mixed Use. ▪ Specific request for a rezoning of Rural Residential land.
Other	<ul style="list-style-type: none"> ▪ Suggestions for typographical/administrative drafting corrections. ▪ Suggestions for development to comply with the other local policy.

3.0 SUMMARY OF KEY CHANGES

Minor changes are proposed in response to the issues raised during public notification. The changes are not considered to represent any significant change, with alterations predominantly occurring to provide clarity and consistency to the intended application of the amendment provisions, or to rectify typographical/administrative errors which occurred during the drafting process.

The key changes to the amendment are as follows:

- Administrative definition changes including, “Building Height”, “Road” and “Storey”
- Purpose definition changes including, “Road”, “Service station”, “Relocatable home park”, “Resort”
- Improving clarity regarding assessment guidelines and controls by requiring new development to comply with the development control plan for multi-units, where relevant
- The formerly proposed requirement for residential uses in the business zone to be “ancillary” has been refined to require that residential uses are “subordinate”
- Various typographical corrections and improvements.

The proposed amendments to the administrative definitions and purpose definitions are as follows:

ADMINISTRATIVE DEFINITIONS:

ORIGINAL	POST-NOTIFICATION
<p>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</p>	<p>BUILDING HEIGHT means:- (a) the vertical distance, measured in metres, between the natural ground level of the building and the highest point on the roof of the building, other than a point that is part of an aerial, chimney, flagpole or load bearing antenna.; or (b) the number of storeys in the building above ground level.</p>
<p>GROUND LEVEL means the finished level of a Site.</p>	<p>GROUND LEVEL means:</p>

	<ul style="list-style-type: none"> (a) the level of the natural ground, or (b) the finished level of a Site, if lawfully changed.
STOREY – new definition for clarity.	<p>STOREY means a space within a building between 2 floor levels, or a floor level and a ceiling or roof, other than -</p> <ul style="list-style-type: none"> (a) a space containing only a lift shaft, stairway or meter room; or (b) a space containing only a bathroom, shower room, laundry, toilet or other sanitary compartment; or (c) a space containing only a combination of the things stated in subparagraphs (a) or (b); or (d) a basement with a ceiling that is not more than 1m above ground level; and (e) includes - <ul style="list-style-type: none"> i. a mezzanine; and ii. a roofed structure that is on, or part of, a rooftop, if the structure does not only accommodate building plant and equipment.
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 lot <i>Parcel of Land</i> , 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	<p>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:</p> <ul style="list-style-type: none"> (a) such easements are shown on the Official Survey of Norfolk Island as being a separate lot, whether or not that Land is vested in an estate, private individual ownership, or in the Norfolk Island Government public ownership; or

property where such easements are not shown on the Official Survey as a separate parcels of land.	(b) the easement is registered under the <i>Land Titles Act 1996</i> (NI) as an access easement and is shown as a separate lot in a registered subdivision survey plan. The term does not include any easements over private property where such easements are not shown on the Official Survey as a separate parcels of land.
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PURPOSE DEFINITIONS:

COLUMN 1 PURPOSE	COLUMN 2 DEFINITION	COLUMN 3 EXAMPLES INCLUDE	COLUMN 4 DOES NOT INCLUDE THE FOLLOWING EXAMPLES
Residence – Relocatable Home Park	Means the use of premises for – (a) relocatable dwellings (whether they are permanently located or not) for long-term residential accommodation; or (b) amenity facilities, food and drink outlets, a manager’s residence, or recreation facilities for the exclusive use of residents, if the use is ancillary to the use in paragraph (a).	Caravan Park	Residence – dwelling house, Residence - accommodation units, Residence – Shop top, Tourist Park
Resort	means the use of premises for— (a) tourist and visitor accommodation that includes integrated leisure facilities; or fitness facilities (b) staff accommodation that is ancillary to the use in paragraph (a). or		Residence – accommodation units, Residence – multiple dwelling Residence – Relocatable Home Park, Tourist Park

	<p>(c) transport facilities for the premises, including, for example, a ferry terminal or air service.</p> <p>Note: Examples of integrated leisure facilities — bars, meeting and function facilities, restaurants sporting and fitness facilities</p>		
Road	<p>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:</p> <p>(a) such easements are shown on the Official Survey of Norfolk Island as being a separate lot, whether or not that Land is vested in an estate, private individual ownership, or in the Norfolk Island Government public ownership; or</p> <p>(b) the easement is registered under the Land Titles Act 1996 (NI) as an access easement and is shown as a separate lot in a registered subdivision survey plan. The term does not include any easements over private property where such easements are not shown on the Official Survey as a separate parcels of land.</p>	Road reserve, Bridge, Street, Footpath (where not part of road reserve)	Car Park
Service Station	<p>means the use of premises for—</p> <p>(a) selling fuel, including, for example, petrol, liquid petroleum gas, automotive distillate or alternative fuels; or</p>	Petrol Station, Electric Charging Station	Industry (class), Dangerous Goods Store, Shop

	(b) a food and drink outlet, shop, trailer hire, or maintaining, repairing, servicing or washing vehicles, if the use is ancillary to the use in paragraph (a).		
Tourist Park	Means the use of premises for – (a) holiday accommodation in caravans , self contained cabins, tents or other similar structures; or (b) amenity facilities, a food and drink outlet, a manager’s residence, offices, recreation facilities for the use of occupants and their visitors, or staff accommodation, if the use is ancillary to the use in paragraph (a).	Cabin, guest-house, hostel, serviced rooms, backpackers accommodation, bed and breakfast, farm stay, tourist accommodation units.	Residence – accommodation units, Residence – dual occupancy, Residence – dwelling house, Residence – multiple dwelling, Residence – residential care establishment, Residence – Shop top, Resort, Hotel, Residence – Relocatable Home Park

4.0 SUMMARY OF SUBMISSIONS AND COUNCIL RESPONSE

REFERENCE	SUBMISSION SUMMARY	COUNCIL RESPONSE	AMENDMENT
NOTIFICATION/PURPOSE OF THE AMENDMENT			
2, 3, 7	<p>Concerned about lack of meaningful community engagement for the draft plan.</p> <p>Concerned that the draft plan does not reflect the community's values, desires, priorities and aspirations.</p>	<p>Council has consulted on planning scheme amendment in accordance with subsection 11(1) of the Planning Act 2002 (NI). The formal notification period was for 32 days.</p> <p>Further, In July 2021, Council released a Discussion Paper to identify the scope for this NI Plan Review, to facilitate discussion and allow for public comment on the effectiveness of the Plan as required under section 17(3) of the Act. Council has reviewed the public feedback received, and incorporated elements, reflecting the communities' current values, desires, priorities and aspirations to the extent relevant to these housekeeping matters.</p>	No change
2, 3	<p>Concerned about the scale of changes proposed within the draft plan.</p>	<p>The Planning Act 2002 (NI) requires that the Norfolk Island Plan, is to be periodically reviewed every five (5) years (refer to Section 17(2) of the Act). The current Norfolk Island Plan 2002 (as amended) (NI Plan) commenced 12 March 2010. A review of the Norfolk Island Plan is more than five years overdue. This review has focused on housekeeping matters, being those matters, which can improve the application of the NI Plan without major changes.</p>	No change
DEFINITIONS			

REFERENCE	SUBMISSION SUMMARY	COUNCIL RESPONSE	AMENDMENT
1	Suggests the amendment the definition of “Road”, as easements can be created but not shown on the Official Survey Plan, as the Survey plan is updated infrequently.	Council has reviewed the definition of “Road” and proposes to include easements that are registered under the <i>Land Titles Act 1996</i> (NI) and shown as a separate lot in registered survey plan, except where not currently shown on the Official Survey as a separate lot.	Change
3	Suggests the amendment of the definition of “Service Station” to allow for a recharging site for electric vehicles.	Council has reviewed the definition of “Service Station” and proposes to include “Electric Charging Station” as an example.	Change
3, 7	Concern that the definition of "Government House and Domain" does not adequately reflect the extensive history and cultural significance of the building.	<p>The Kingston and Arthur’s Vale Historic Area (KAVHA) Development Control Plan 2020 provides direction as to the permissible development within KAVHA and facilitates the continued use of the site by the Norfolk Island community for cultural, educational, economic, tourism and leisure purposes.</p> <p>The DCP was prepared in recognition of Norfolk Island as a home to its residents, the UNESCO World Heritage significance of KAVHA, its setting and the unique culture, history and landscape of Norfolk Island. The DCP works in conjunction with the NI Plan reflecting the extensive history and cultural significance of the area.</p>	No change
3, 5	Concern that secondary dwellings are not clearly defined and do not have adequate controls and guidelines to regulate the use or development.	A secondary dwelling is defined as “means a dwelling, whether attached or detached, that is used in conjunction with, and subordinate to, a dwelling house on the same lot.”. This definition is supported by provisions in each	No change

REFERENCE	SUBMISSION SUMMARY	COUNCIL RESPONSE	AMENDMENT
	Concern that secondary dwellings are a permitted use or development and are not required to be made available for public comment.	<p>relevant zone code which must be met in order to be classified as a permitted use or development.</p> <p>A permitted use or development is required to comply with all relevant standards and provisions of the Plan (either unconditionally or subject to such conditions or restrictions imposed).</p> <p>Where a secondary dwelling use or development does not and cannot be conditioned to comply with the relevant provisions, the development application is classified as permissible with consent use or development and required to be made available for public comment.</p>	
3, 5, 7	<p>Concern that the definition of “Relocatable Home Park” includes an example of “Caravan Park”.</p> <p>Concern that Relocatable Home Parks do not have adequate controls and guidelines to regulate the use or development.</p>	<p>Council has reviewed the definition of “Relocatable Home Park” and proposes to remove the example of Caravan Park.</p> <p>Council will amend provisions 34 and 39 in the draft NI plan and amend the DCP 3 – Multi Units to require Relocatable home parks to comply with the development control plan for multi-units.</p>	Change
3, 5, 7	<p>Concern that the definition of Tourist Parks will introduce low quality and unattractive construction methods (e.g. shipping containers) to the island.</p> <p>Council should continue to support accommodation facilities made from high</p>	<p>The definition of “Tourist Park” supports development like the proposed glamping development at Anson Bay.</p> <p>Council will amendment provision 39 in the draft NI Plan and amended the DCP 3 – Multi Units to require Tourist Parks to comply with the development control plan for multi-units.</p>	Change

REFERENCE	SUBMISSION SUMMARY	COUNCIL RESPONSE	AMENDMENT
	quality and durable materials accommodation facilities which contribute to the amenity of the Island.		
3	Concern that the inclusion of 'sporting and fitness facilities' within the definition of resort will promote gambling.	<p>The intent of the note 'sporting and fitness facilities' within the 'integrated leisure facilities' definition is not to be defined as Gambling. Gambling under the Commonwealth's <i>Interactive Gambling Act 2001</i> is separately defined as: "to include, among other things; a service for the placing, making, receiving or acceptance of bet; a service for the conduct of a lottery; and a service for the conduct of a game, where: the game is played for money or anything else of value".</p> <p>Under the current legislation, there is no conflict on how the definitions between 'Resort' and 'Gambling' should be interpreted, they are considered and will continue to be separate uses under the Acts Interpretation Act 1901.</p> <p>However, for clarity, the word 'sporting' will be removed from the note to provide further clarity to the intent of 'integrated leisure facilities'.</p>	Change
3,5	Concern that the definition of 'Resort' includes 'transport facilities for the premises, including, for example, a ferry terminal or air service' within the definition	Council has reviewed the definition of "Resort" and proposes to remove clause (c) from the definition.	Change

REFERENCE	SUBMISSION SUMMARY	COUNCIL RESPONSE	AMENDMENT
6	Suggests removal of reference to 'storey' in the definition of building height.	Council has reviewed the definition of "Building Height" and proposes to remove "(b) the number of storeys in the building above ground level". A new administrative definition of 'storey' has been included to assist with other sections of the NI plan.	Change
6	Suggests that 'ground level' in the definition of building height includes reference to natural ground level (prior to earthworks).	Agreed. Change to Building Height and Ground Level definition to include reference to natural ground level.	Change
6	Concerned that "Top of Cliff" is not defined. Suggests that all development within the Coastal Environmental Overlay and/or Coastal Protection Buffer Area should be subject to survey to determine 'Top of Cliff'.	The 'Top of Cliff' is defined by the depiction shown on the Official Survey of Norfolk Island. Where the Official Survey of Norfolk Island does not show the 'Top of Cliff', the applicant/landowner is responsible for undertaking a survey to determine the Top of Cliff.	No change

TABLE OF USES OR DEVELOPMENT

5	Concerned that Residence – Dual Occupancy is a permitted use or development within the Residential zone and is not required to be made available for public comment.	A permitted use or development is required to comply with all relevant standards and provisions of the Plan (either unconditionally or subject to such conditions or restrictions imposed). A use or development for Dual Occupancy must comply with the relevant provisions of the development control plan for multi-units. Where a Dual Occupancy use or development does not and cannot be conditioned to comply with the relevant provisions of the development	No change
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REFERENCE	SUBMISSION SUMMARY	COUNCIL RESPONSE	AMENDMENT
		control plan for multi-units, the development application is required to be made available for public comment.	
4	Concern that the definition of ancillary use constrains the residential uses in the business zone to be dependent on and associated with the business use.	Council has reviewed the intent of the Business Zone and proposes clarify the intent by changing “ancillary residential use” to “subordinate residential use”.	Change
7	Support for ‘Shop top’ use or development within the Mixed use zone.	Support noted.	No change
7	Concern that there is already the ability of building two dwellings on some properties and if these properties are then subdivided then each of those properties can then have another two dwellings added.	A use or development for multiple dwellings must comply with the relevant provisions of the development control plan for multi-units. Where a Dual Occupancy use or development does not and cannot be conditioned to comply with the relevant provisions of the development control plan for multi-units, the development application is required to be made available for public comment.	No change
8	Support for the inclusion of Educational Establishment and Indoor Sport and Recreation Facility purposes as a permissible (with consent) use or development in the Business Zone	Support noted.	No change
8	Suggests the inclusion of ‘Health Care Service’ as a Permitted Use or Development in the Business Zone.	Thank you for alerting Council of this drafting error. Council has reviewed the Table of Use or Development – Business and Mixed Use zones and to align with the intent of the	Change

REFERENCE	SUBMISSION SUMMARY	COUNCIL RESPONSE	AMENDMENT
		draft NI plan changes, proposes to include 'Health Care Service' as a permitted use or development.	
DEVELOPMENT STANDARDS			
4	Concern that Residential uses are required to be subordinate to a business zone use, and the location of the residential use is constrained to being only of the following locations: on top of; behind; or beside.	The development standards for the Business Zone detail that residential development does not dominate the site and are intended to be subordinate to the business zone use or development. The use of the word "or" is used to link alternate examples and is not intended to preclude a combination of options.	No change
6	Support for the retention of minimum lot sizes in the Rural and Rural Residential Zones.	Support noted.	No change
REZONING			
7	Objects to rezoning of Light Industry to Mixed Use. Concerned that uses or development within the Mixed Use Zone are currently poorly regulated and do not comply with the current Norfolk Island Plan.	Amendments have been made throughout the draft NI plan to strengthen all zone provision including within the Mixed Use Zone. The purpose of the housing keeping amendment is to ensure the community's current values, desires, priorities and aspirations are upheld by the NI Plan, and it is Council priority to ensure this is reinforced.	No change
9	Concerned about the rezoning from Light Industry to Mixed Use due to additional requirements for side and rear boundary setbacks.	Subject to provision 18, 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: - is of the same or substantially similar	No change.

REFERENCE	SUBMISSION SUMMARY	COUNCIL RESPONSE	AMENDMENT
		<p>character, intensity or scale as that for which it was used immediately prior to the coming into effect of this Plan.</p> <p>A new permitted use or development is required to comply with all relevant standards and provisions of the Plan (either unconditionally or subject to such conditions or restrictions imposed).</p> <p>Where a new use or development does not and cannot be conditioned to comply with the relevant provisions, the development application is required to be made to Council for a variation to those provisions.</p>	
10	Request to rezone specific land from Rural Residential to Residential, to enable subdivision.	This specific rezoning request to allow for subdivision is out of scope for this draft NI plan review. This review has focused on 'housekeeping matters', being those matters, which can improve the application of the NI Plan without major changes. It is expected that a major review of the NI Plan, including how to manage subdivision, would take place following the outcome of the current studies including the Population Strategy currently progressing and the completed CSIRO Water Resource Assessment and Environmental Assessment.	No change
OTHER			
1	Government House is spelt wrong within the Explanatory Report	Thank you for alerting Council of this drafting error. The explanatory report has been updated.	Change

REFERENCE	SUBMISSION SUMMARY	COUNCIL RESPONSE	AMENDMENT
5	Suggests that the draft Plan should require compliance with the Lighting Management Policy.	The Lighting Management Policy has not been adopted by Council resolution.	No change

5.0 NEXT STEPS

STAGE 1-3

Completed.

STAGE 4 – PREPARE AND FINALISE AMENDED NORFOLK ISLAND PLAN

6. Seek Ministerial approval to the final draft amendments to the Norfolk Island Plan.

- (a) This report, being the Norfolk Island Plan 2002 Draft Housekeeping Amendment 2022 Submissions Report - January 2023, the draft Amended Norfolk Island Plan 2002 and recommendations from the Council are submitted to the Minister, with the recommendation to approve the amendments to the Norfolk Island Plan 2002 (Section 12 of the Act).

7. Enable commencement of the approved Amended Norfolk Island Plan 2002.

- (a) The Minister's decision on the Amended Norfolk Island Plan 2002 is published in the Gazette; and if approved, the approved Amended Plan becomes the Norfolk Island Plan in place of the previous Norfolk Island Plan (Sections 12 and 13 of the Act).