



Changes to Norfolk Island Laws: Significant Development

FACTSHEET

The Norfolk Island *Planning Act 2002* (NI) has been amended to help put important public infrastructure in place to support Norfolk Island's future growth and sustainability. On 15 March 2017, the Norfolk Island Regional Council resolved to support any planning proposal that addresses the barriers to significant projects being achieved.

During community consultation, the need for more local say in planning decisions was raised. The amendments include more opportunities for community input to the development approval process.

What changes have been made?

A new two-stage approval process for significant public infrastructure projects has been added to the Planning Act.

- **Stage 1 Declaration** – Applications can be made to the Norfolk Island Regional Council for a public infrastructure project to be declared 'significant'. The Council will consider whether the project will benefit the community and how well it meets other criteria (see below). The Council will then make a recommendation to the Commonwealth Minister responsible for Norfolk Island about whether the project should be declared 'significant'.
- **Stage 2 Development Approval** – If a project is declared significant, an application for development approval can be made to the Council. The application process is similar to the process already in place for other developments. The development application must include an environmental impact statement and there must be an opportunity for the community to make submissions. After public consultation the application is referred to the Minister, together with submissions received and a recommendation from the Council.

The Minister, or their delegate, will consider all relevant material, including any submissions, before making a decision whether to approve a significant development. To address any concerns, conditions can be put on the approval. Construction can commence immediately after a project is approved.

Merits review is not available for significant developments. Projects will have demonstrated benefits to the whole Norfolk Island community and the approval process provides a number of ways for concerns to be raised and addressed.

What are the criteria for significant developments?

For a project to be declared significant the Minister must consider whether the project:

- has potential economic or community benefits
- is linked to other developments
- is consistent with Council's community strategic plan, delivery program and operational plan
- is consistent with the aims and objectives of the Norfolk Island Plan 2002.

Private developments such as resorts, tourism facilities and shopping complexes cannot be declared significant.

What types of infrastructure can be significant?

The types of public infrastructure that can be declared significant are:

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| Air transport facilities | Roads and traffic facilities |
| Educational establishments | Sewerage systems |
| Electricity generating/alternative energy systems | Sport and recreation facilities |
| Electricity transmission/distribution networks | Stormwater management systems |
| Emergency services facilities | Telecommunications facilities |
| Extractive industries | Warehouse and freight facilities |
| Hospital and health services facilities | Waste disposal/resource management facilities |
| Port and wharf facilities | Water supply/storage/treatment facilities |
| Public works | |

Does the community have a say in planning decisions?

Yes. All development applications for significant development projects must be on public display for at least 28 days. The community also has the chance to make submissions about significant development proposals.

As the community's elected representatives, Councillors also have a say in local planning decisions.

Councillors will consider applications for projects to be declared significant in Stage 1 Declaration. They will decide whether projects fit in with the Council's strategic plans and will benefit the Norfolk Island community and make a recommendation to the Minister based on those considerations.

As a result of changes to the Planning Act, other types of development applications and heritage proposals will now be referred to Councillors to make recommendations to the Minister. This is a new role for Councillors.

What other planning controls are in place?

Significant development projects must be consistent with the aims and objectives of the Norfolk Island Plan.

All significant developments will be determined in accordance with the Planning Act and the *Building Act 2002* (NI).

Contacts

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