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Kingston and Arthur's Vale Historic Area

Development Control Plan



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Prepared by

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Quality Information

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PART ONE: GENERAL

1.0 Introduction

This Development Control Plan (DCP) is intended to establish practical controls to guide development within and surrounding the Kingston and Arthur's Vale Historic Area (KAVHA), as recommended within the Heritage Management Plan (Recommendation 41).

The planning provisions under the *Norfolk Island Plan 2002* and associated Development Control Plans allow a range of land uses and provide some controls. However, these are only broad controls that do not consider the site specific heritage significance of KAVHA. The role of this DCP is therefore to provide detailed standards and guidelines for people preparing development applications and to assist the Norfolk Island Regional Council (NIRC) and the Minister in their consideration and determination of those applications.

This DCP has been 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. In recognition of Norfolk Island as home to its residents, of which KAVHA is an integral part, it is important the convict eras should not be interpreted to the exclusion of the Pitcairner period and vice versa.

1.1 How does this plan relate to other plans?

This DCP has been prepared in accordance with the provisions of the *Planning Act 2002 (NI)* (the Act) and with respect to the *Heritage Act 2002 (NI)*. This DCP will assist NIRC and the Minister to achieve the aims and objectives of the Act and the *Norfolk Island Plan 2002*.

In the event of any inconsistency between the provisions of this DCP and the provisions of the Norfolk Island Plan, those of the *Norfolk Island Plan 2002* will prevail. The Act requires DCPs to be consistent with the Plan (Clause 19(1)(2)).

This DCP takes precedence over all other DCPs associated with the *Norfolk Island Plan 2002* for development and use within KAVHA. Where any inconsistencies arise, the KAVHA DCP should take precedence.

In some parts of this DCP, the requirements of the *Norfolk Island Plan 2002* and other legislation are referred to and/or quoted. This is to assist applicants to understand the range of approvals which may be required, and such references should not be regarded as provisions of this plan.

This DCP has been developed with reference to the following guidelines and forms an element of the management system used to protect the Outstanding Universal Values identified within KAVHA through inscription on the World Heritage List:

- *Managing Disaster Risks for World Heritage* (UNESCO, 2010)
- *Managing Cultural World Heritage* (UNESCO, 2013)
- *World Heritage Cultural Landscapes: A handbook for conservation and management* (UNESCO, 2009)
- *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties* (ICOMOS, 2011)

How does this plan relate to other plans?

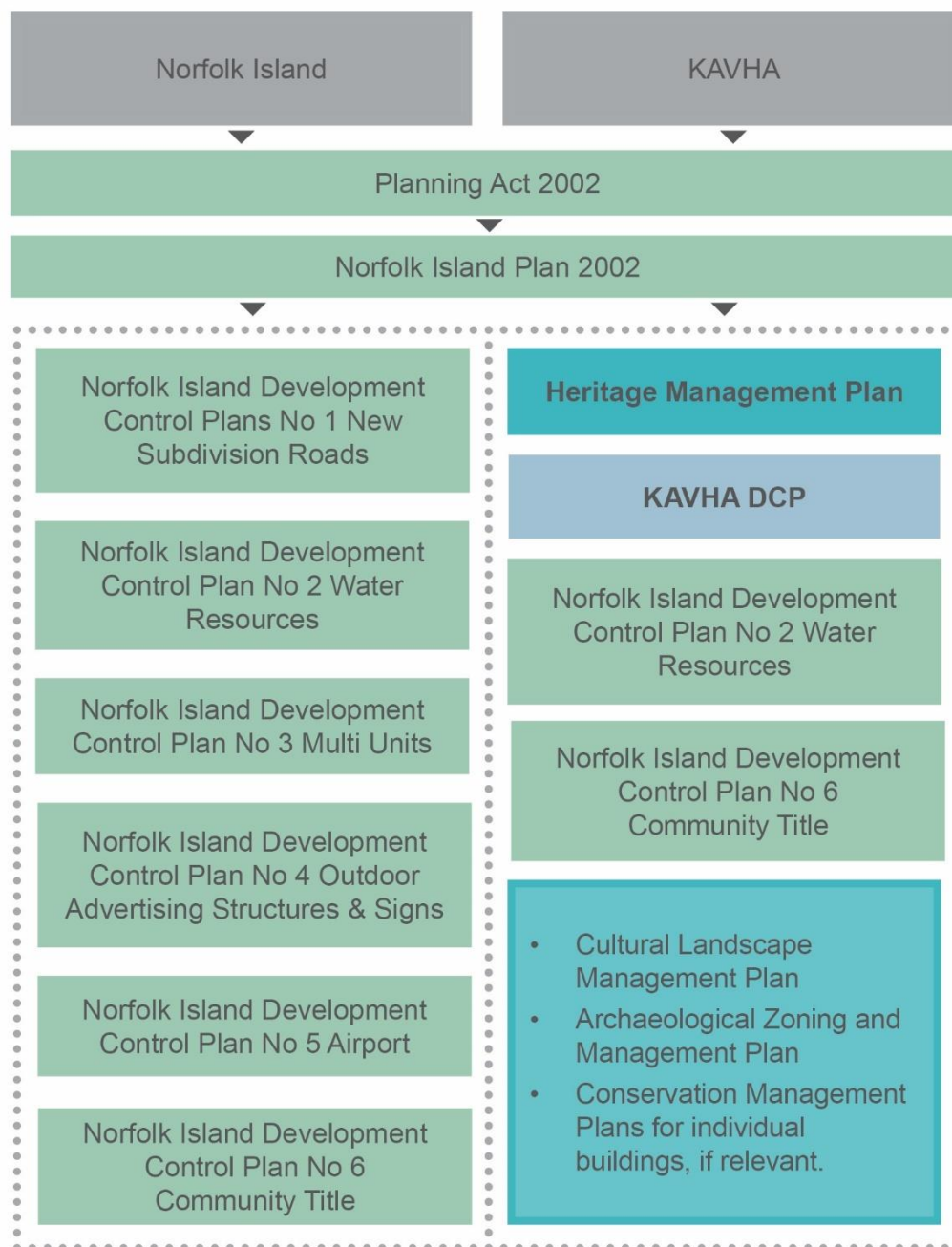


Figure 1 How the KAVHA DCP relates to other plans

1.2 What is the plan called?

This plan is called the '*Kingston and Arthur's Vale Historic Area Development Control Plan 2020*'

1.3 When does the plan take effect?

This plan has been prepared in accordance with Part 3 of the Planning Act 2002 (NI). It was approved by the Minister on ____ *4 September 2020 and takes effect 11 September 2020.*

1.4 Where does this plan apply?

This plan applies to land within the KAVHA site as defined by the World Heritage Listing boundary, as shown in Figure 2. This plan replaces DCP Numbers 1, 3, 4 and 5 currently in operation on Norfolk Island within KAVHA. DCP Numbers 2 and 6 will remain in force within KAVHA.

1.5 When does this plan apply?

This plan applies if a person is seeking Development Approval for use or development as defined in the Norfolk Island Plan.

Temporary services, for example to meet demand on cruise ship visitation days and to support temporary activities such as cultural and sporting events, generally do not require Development Approval. Permission to undertake such activities is generally granted through a licence issued by the Administrator for activities at Crown Land, or a permit issued by the Conservator of Public Reserves for activities within a Public Reserve. However, temporary services and activities planned to be in place and operate for more than one month, such as temporary services in place for a summer season, may require development approval as well as a licence or permit.

A person or organisation that is planning any use, development or activity in KAVHA is encouraged to consult with Norfolk Island Regional Council's Planning Department to determine whether or not a development approval is required for the proposed use, development or activity and for guidance on any other approval, licence or permit requirements.

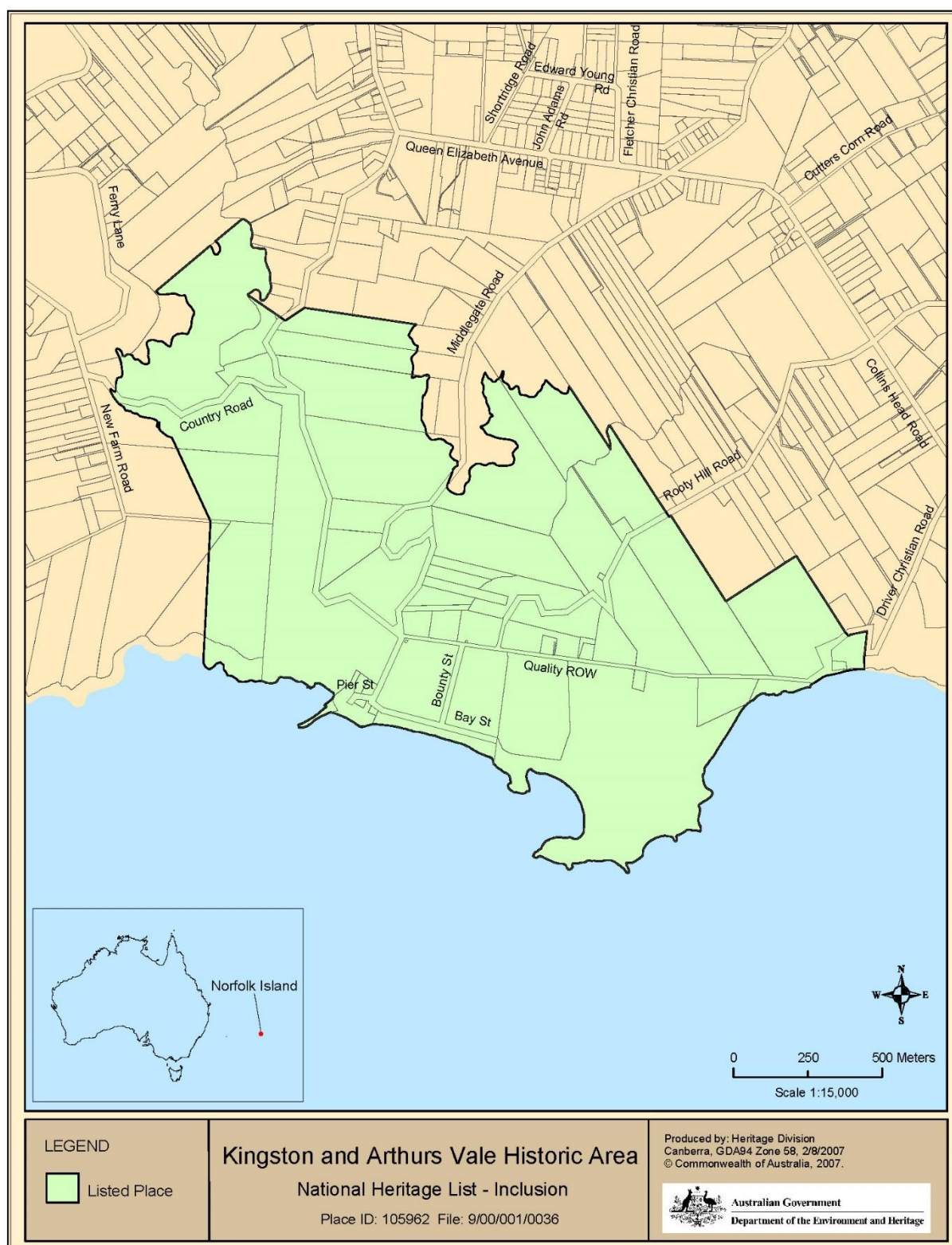


Figure 2 Kingston and Arthur's Vale Historic Area, Norfolk Island. This boundary depicts the area included in the World Heritage List and National Heritage List (source: Australian Heritage Database)

1.6 How is this plan implemented?

All Development Applications for use and development within KAVHA will be assessed against this Plan.

1.7 How to use this DCP?

It has long been recognised that KAVHA is a large and complex site. Since the 1980 Conservation Management Plan, the site has been subdivided into Precincts to assist in the management of the site. This plan uses the Precincts, together with the land use zoning, as the principal means of arranging development and use controls for the site. There are controls for each Precinct, together with controls for heritage elements and general controls. Not all controls will be relevant to a Development Application. Figure 3 demonstrates how to determine which controls are relevant.

Each section of the DCP contains objectives and controls. The objectives outline what is trying to be achieved, while the controls indicate how this can be achieved. The objectives and controls are supplemented with guidance regarding where the objective or control has been drawn from (refer to Section 2.2.2 for a list of sources) or to provide further context as to the intent.

This DCP makes reference to several external documents that did not exist at the time of the preparation of this DCP. These include:

- Soil and Erosion Management Plan
- Total Water Catchment Management Plan
- Tree Management Plan, including Works Plan

It is intended that these documents will be prepared to support the best-practice management of KAVHA. Should these documents be relevant to a proposal, but are not available at the time of the Development Application, the proponent should address within their application:

- How they will effectively manage soil and erosion within their proposal;
- How they have considered and minimised the impact of their proposal on the water catchment;
- How they have considered and minimised the impact of their proposal on trees and the effect of trees on heritage elements and views. This should include, as relevant:
 - Why the tree species selected is suitable, e.g. its root structure will not impact on a heritage element or view, the height or girth of the tree will not impact on a heritage element or view etc.
 - Why the tree/s requires removal, e.g. removal is supported by a management document such as the Cultural Landscape Management Plan.

This DCP uses the following acronyms:

AZMP	Archaeological Zoning and Management Plan
CLMP	Cultural Landscape Management Plan
CMP	Conservation Management Plan
DCP	Development Control Plan
HIS	Heritage Impact Statement
HMP	Heritage Management Plan
KAVHA	Kingston and Arthur's Vale Historic Area
NIRC	Norfolk Island Regional Council

How to use the KAVHA DCP

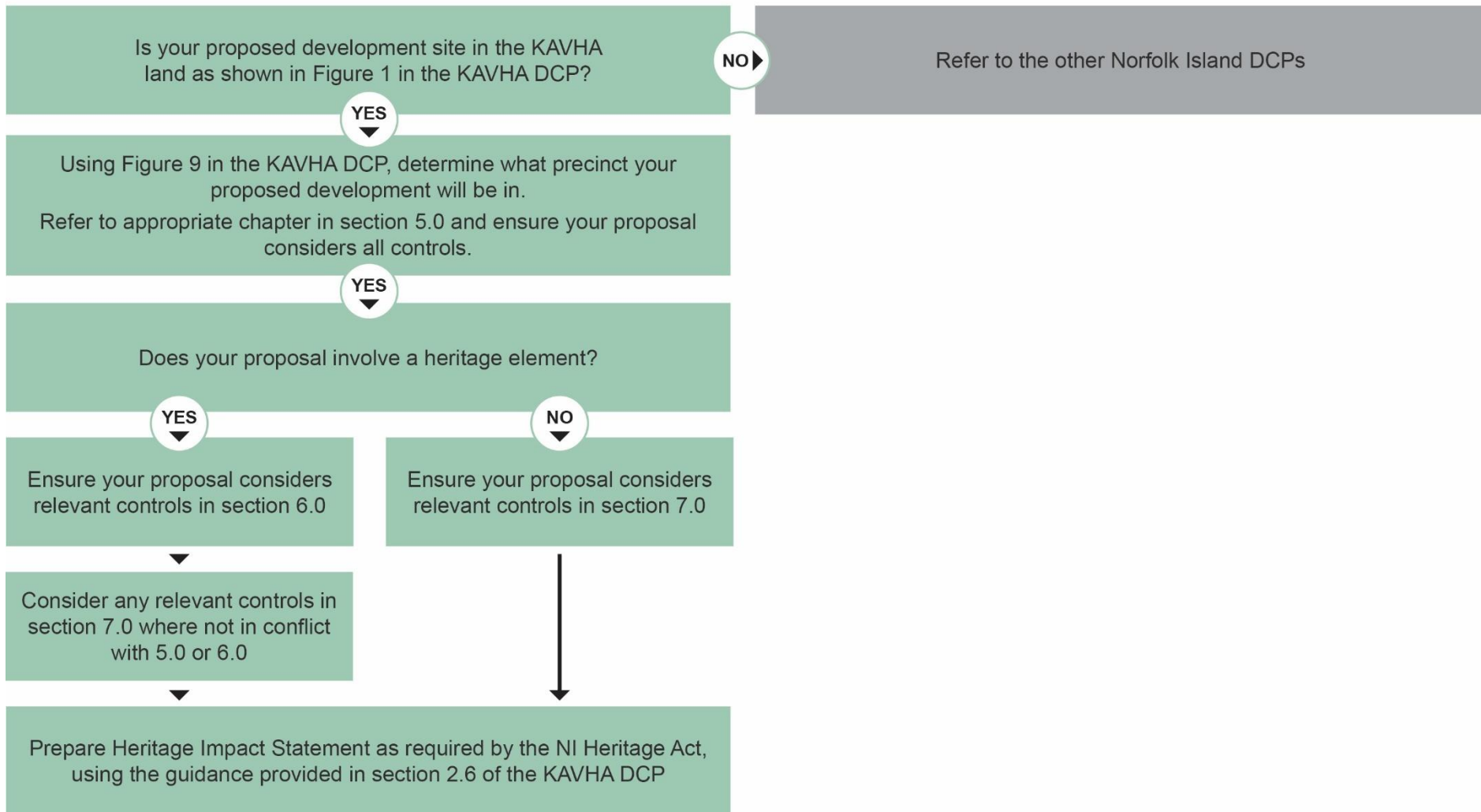


Figure 3 How to use this DCP

1.8 Roles and Responsibilities

1.8.1 Norfolk Island Regional Council

The Norfolk Island Regional Council (NIRC) comprises five councillors who are elected on a four year term. The Council is responsible for local council-type functions on Norfolk Island and some state-type functions under agreement with the Australian Government.

1.8.2 Administrator

The Administrator of Norfolk Island is appointed by the Governor-General of Australia and administers Norfolk Island as an External Territory under the authority of the Commonwealth of Australia. The Minister (refer to Section 1.8.3) had delegated their approval authority, where there is not a conflict of interest, to the Administrator. Under this delegation, the majority of Development Applications will be approved by the Administrator.

1.8.3 The Minister

The Minister is the Commonwealth Minister responsible for Norfolk Island. The Minister currently has delegated authority to the Minister's Delegate, being the Administrator (refer to Section 1.8.2).

Within KAVHA, development is also subject to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* due to the World, National and Commonwealth Heritage listings of the area. As such, a development or action that would be likely to have a significant impact upon Matters of National Environmental Significance within the KAVHA area would require approval from the Minister responsible for Environment and/or Heritage (Section 2.8).

1.8.4 The KAVHA Heritage Manager

The KAVHA Heritage Manager is employed by the Department responsible for Norfolk Island to oversee the management of the heritage values of KAVHA. The KAVHA Heritage Manager can provide advice to proponents regarding proposals.

1.9 Vision

The Kingston and Arthur's Vale Historic Area Heritage Management Plan establish the vision for the KAVHA area as:

The Kingston and Arthur's Vale Historic Area is a place of outstanding heritage value to the people of Norfolk Island, the Australian community and internationally.

The rich and interwoven natural and cultural landscape of the KAVHA site will be conserved, managed, protected and presented with authenticity as a vibrant place through effective governance, good management, improved support, best practice techniques/tools and enduring community partnerships (Godden Mackay Logan Pty Ltd, 2016:16).

1.10 Aims

The aims of this DCP are to:

- Support the principal aim of the Norfolk Island Plan 2002 within KAVHA, which 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."
- To ensure the World, National, Commonwealth and local heritage values of KAVHA are protected within the use and development of the site.
- To ensure the authenticity of the tangible and intangible attributes of the KAVHA site are protected.
- To ensure the site is retained as a living cultural landscape and the centre of cultural life on Norfolk Island through continued use.

1.11 Objectives

The objectives of this DCP are to:

- Clarify the process for development applications within KAVHA
- Provide direction as to the permissible development within KAVHA
- Facilitate the continued use of the site by the Norfolk Island community for cultural, educational, economic, tourism and leisure purposes.

1.12 Definitions

A glossary is included in Appendix A of this Plan to define words for the purposes of this Development Control Plan.

2.0 Significance and Guidance

2.1 Significance

KAVHA, in conjunction with ten other convict sites across Australia, has been identified as meeting the United Nations Educational, Scientific and Cultural Organization's (UNESCO) criteria for listing on the World Heritage List (WHL). Additionally, KAVHA is listed as being of National and Commonwealth significance on the National and Commonwealth Heritage Lists, constituted under the *Environmental Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act). Of no less importance, is the heritage significance of KAVHA to the local community, as identified within the Norfolk Island Heritage Register listing.

Consideration of development and use within KAVHA must be made in reference to the endorsed significance values of the four listings. The overarching objective of a proposal should be to enhance the significance of KAVHA, or at least have a neutral impact. The endorsed significance values can be found in the following locations:

- World Heritage List - <https://whc.unesco.org/en/decisions/3995>
- National Heritage List – http://www.environment.gov.au/cgi-bin/ahdb/search.pl?mode=place_detail;place_id=105962
- Commonwealth Heritage List - http://www.environment.gov.au/cgi-bin/ahdb/search.pl?mode=place_detail;place_id=105606
- Norfolk Island Heritage Register - <http://www.norfolkisland.gov.nf/sites/default/files/docs/planandbuild/NIPlan/Heritage%20Register.pdf>

2.2 Guidance

The following provides guidance as to the general development standards and supporting material that should be provided to accompany an application for development within KAVHA. It is not exhaustive and the application will need be prepared in response to the particular circumstances of the site and development proposed.

2.2.1 Best Practice

The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter) is recognised as a guiding document that represents best practice for the management of cultural places. The Burra Charter can be applied to all types of places of cultural significance including natural, Indigenous and historic places with cultural values. The Charter provides guidance for the conservation and management of places of cultural significance. It sets a standard of practice when undertaking works to places of cultural significance for owners, managers and custodians. In summary,

“The Burra Charter advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.”

(ICOMOS (Australia), 2013:1)

The *Burra Charter* provides articles that should be used to guide managing change to places of cultural significance. The articles of the Burra Charter should be applied when preparing a Development Application. Australia ICOMOS has developed a number of practice notes to assist in the application of the Burra Charter. These can be found on Australia ICOMOS' website.

2.2.2 KAVHA Management Plans

There are a number of management documents developed for the KAVHA area that will provide useful guidance as to the significance, archaeological potential, materials and interpretation strategies for the site as a whole. Where relevant, these documents should be consulted to assist in the development of a proposal. These include:

- Kingston and Arthur's Vale Historic Area: Heritage Management Plan
- Kingston and Arthur's Vale Historic Area: Cultural Landscape Management Plan
- Kingston and Arthur's Vale Historic Area: Archaeological Zoning and Management Plan

- Conservation Management Plans for individual buildings or precincts
- Kingston and Arthur's Vale Historic Area: Interpretation Plan

2.3 Context

KAVHA is located on the southern side of Norfolk Island. The Island rises out of the Pacific Ocean with sharp, dramatic coastal cliffs, broken on the southern side of the Island by the only coastal area. KAVHA consists of this coastal lowland area, set against the backdrop of steep hills. The hills within KAVHA crest at the 90 metre contour. The site is incised by Arthur's Vale (also known as Watermill Valley) on its western extent and Stockyard Valley to the east. The lowland coastal area, known as Kingston, is one of the largest flat areas on the Island with direct ocean access via Slaughter Bay. Laid upon this geographical context, are four layers of historical development:

- Polynesian settlement (c.1150 to c1450)
- First (Colonial) settlement (1788 to 1814)
- Second (Penal) settlement (1825 to 1855)
- Third (Pitcairn) settlement (1856-present)

As a consequence of Kingston being one of the largest flat areas on the Island, it was the focus of nineteenth-century development on the Island during the first and second settlements and the initial phase of the third settlement. As a result, Kingston contains a considerable group of nineteenth-century Georgian buildings in association with substantial ruins, archaeological features and landscape modifications. The site layout is centred on three principal elements:

- Kingston Pier, with a group of associated structures.
- Quality Row, which includes the principal administrative buildings of the convict settlement. The formal arrangement of these buildings provides geometric structure in sharp contrast to the undulating topographic setting.
- Government House and Reserve, which sits aloof atop Dove Hill, but is visually connected from Kingston Pier and Quality Row.

These elements are connected spatially and visually against the dramatic backdrop of the hills, with Arthur's Vale and Stockyard Valley providing portal frames to the west and east of the site respectively. The largely undeveloped nature of Arthur's Vale, Stockyard Valley and the hills below the 90 metre contour, contribute to the bucolic character of the site (Figure 5).

2.4 Site Analysis

The whole of KAVHA is defined as a cultural landscape, that is, it is a combination of the natural features (topography, geology etc.) and alterations made by humans (buildings, landscape modifications, archaeological features etc.). As such, development or use within KAVHA must respond and be sensitive to the landscape as a whole. This can be achieved by undertaking a site analysis as a first step in preparing for development. The analysis should identify the opportunities and constraints of the site in order to help inform and develop a design appropriate to the context. An example is provided in Figure 4.

Based on the outcomes of the site analysis, the development should be sited to avoid impacts to key views and vistas, heritage elements and areas of identified or potential archaeological sensitivity. The analysis should then demonstrate that the development is the best possible solution and makes a positive contribution to KAVHA. The site analysis does not need to be prepared by a professional, but should include:

- Property boundary and road access;

Key views and vistas as outlined in the Cultural Landscape Management Plan (Figure 5);

- Topography and landscape;
- Location of heritage elements;
- Areas of identified or potential archaeological sensitivity;
- Position of true north;
- Movement of sun across the site;

- Prevailing wind direction;
- Land Use Zone;
- Location of slopes greater than 20% (1 in 5) and the direction of fall and drainage;
- Location of existing vegetation, including noxious weeds; and
- Any other significant features.

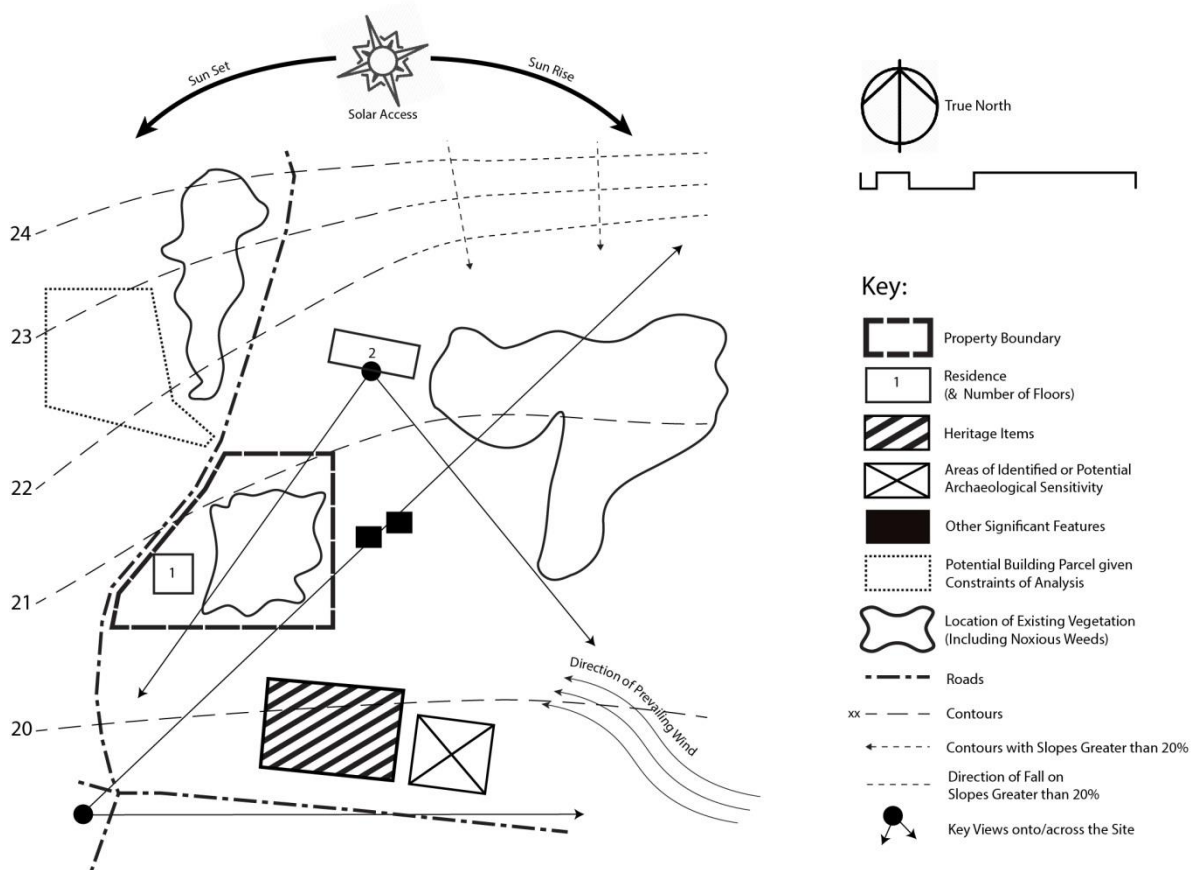
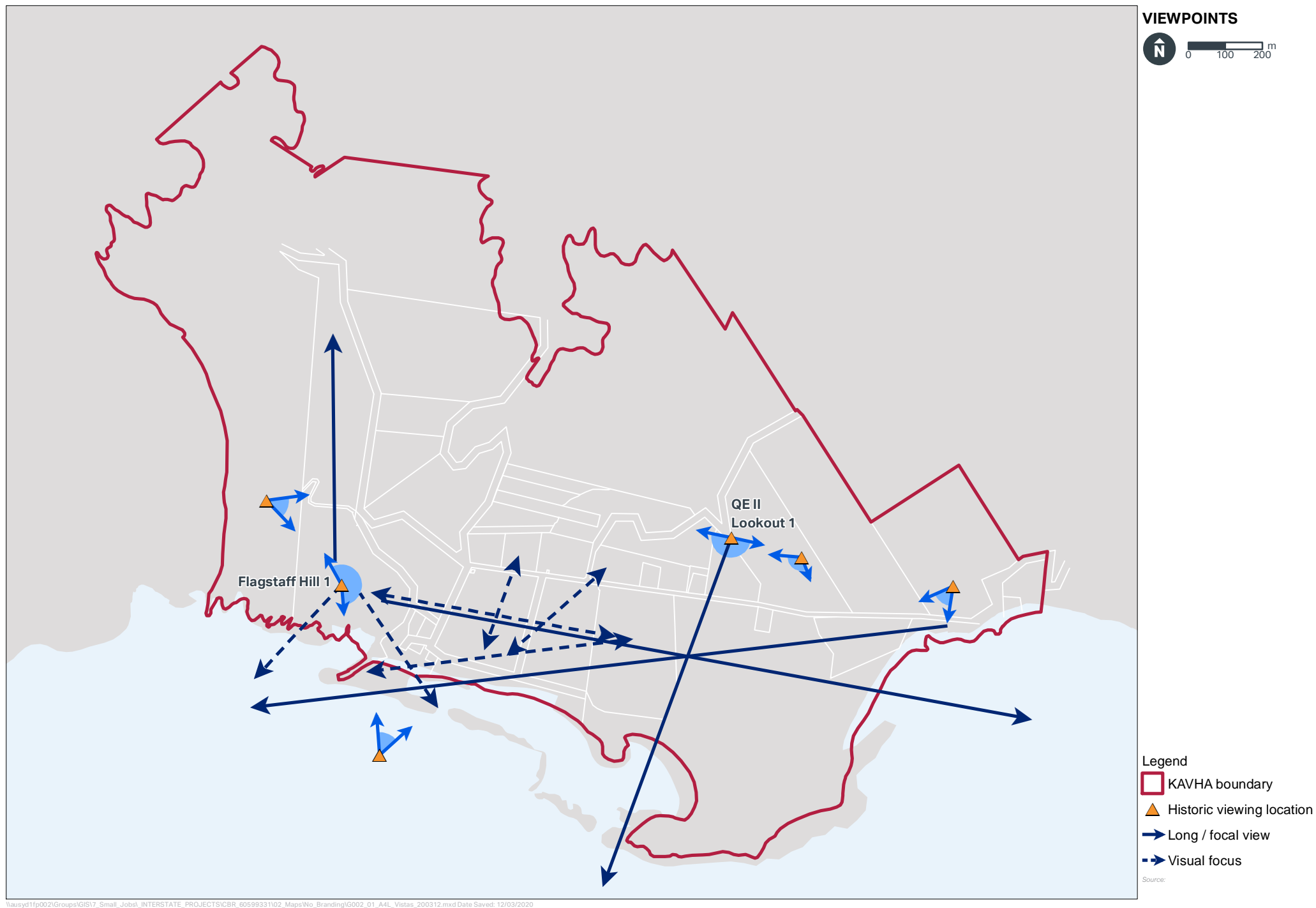


Figure 4 Example site analysis



2.5 Conservation Management Plans

Under Section 28(3) of the Heritage Act 2000 (NI), the Minister may require the preparation of a Conservation Management Plan (CMP) to support a Development Application related to a historically significant building or site when:

- A change of use is being considered that will result in significant physical changes to the building;
- Large scale conservation works are planned; and/or
- Alterations or additions to the building are proposed.

While it is the responsibility of the proponent to provide a CMP with a Development Application, the KAVHA Heritage Manager may be able to provide assistance in the development of a CMP, if required.

A CMP should include:

- A history of the construction and use of the item.
- Describe and illustrate the current form and condition of the item.
- Identify areas previously modified. Areas previously modified may have a greater tolerance to further change.
- Grade the fabric and spaces to illustrate what is most important and what is of lesser importance. This assessment must be based on solid evidence as to why areas have been graded.
- Identify the relationship of the item to surrounding items of significance and the landscape.
- An assessment of the significance of the item against the relevant criteria. This should identify the contribution the item makes to the World, National, Commonwealth and local heritage significance, but should stand alone from these assessments.
- A Statement of Significance summarising the identified significance.
- Opportunities and constraints for the future use of the item.
- Policies to guide the conservation and use of the item.

The following publications may also be of assistance in preparing a CMP:

- Department of Environment and Heritage (2006) *Management plans for places on the Commonwealth Heritage List*.
- Kerr, James Semple (2013) publication *The Conservation Management Plan*.
- NSW Heritage Office and Department of Urban Affairs & Planning (2002a) *Conservation Management Documents [including Model Brief]*.
- Department of the Environment, Water, Heritage and the Arts (2008) *Working Together: Managing National Heritage Places*
- NSW Department of Environment, Climate Change and Water (2010) *Cultural Landscapes: A practical guide for park management*
- Heritage Council of Victoria (2010) *Conservation Management Plans: managing heritage places*

2.6 Heritage Impact Statements

A Heritage Impact Statement (HIS) outlines the significance of a heritage item in relation to the proposed development or use. The aim of a HIS is to demonstrate clearly to assessors if and how the proposed development or use will impact on the significance of the item. Where impacts are identified, management measures should be provided to reduce these impacts.

A HIS is required for all Development Applications within KAVHA, as required under Section 28(1) of the Heritage Act 2002 (NI). As with the CMP, it is the proponent's responsibility to provide a HIS with a Development Application. The KAVHA Heritage Manager may be able to provide assistance in the development of a HIS.

The length of the HIS will be determined by the nature of Development Application. For small, simple proposals, the HIS may consist of a page. Where the Development Application is more complex, the HIS will be longer and may need to be supported by a CMP (Section 2.5). The proponent may prepare the HIS themselves or engage a professional heritage specialist. At a minimum, a HIS should include:

- Why the item is of heritage significance. This should consist of at least a Statement of Significance. Assessment of the item against the heritage significance criteria is preferred. Where a CMP is available for the item, the assessment in the CMP may be used.
- Where are the works to occur in relation to significant fabric
- What impact the proposed works will have on the significance of the item
- What measures would be implemented to mitigate negative impacts
- What alternatives were considered and why they were not viable.

The following publication may also be of assistance in preparing a HIS:

- NSW Heritage Office and Department of Urban Affairs & Planning (2002b) *Statements of Heritage Impact*.

2.7 Minor Variations to Development Standards

Applicable development control plans must be taken into consideration in the determination of development applications. However, each development application must be considered on its merits and the provisions of this plan may be varied if NIRC and the Minister are satisfied that such variations will have a minor impact and are consistent with the aims and objectives of this plan. In doing so, the impact on the World Heritage values and the potential for referral under the EPBC Act must also be considered.

It is the applicant's responsibility to provide a written submission accompanying the development application setting out how the variation is defined as 'minor', the reason for any variation, stating why compliance with the standards is unnecessary and unreasonable in the circumstances.

2.8 Approval from Commonwealth Government Authorities

Disclaimer: the information in this section is provided for guidance only. Nothing in this section places a requirement on a Development Application.

World Heritage List and National Heritage List values are protected under the EPBC Act. Approval for certain activities, called actions, may also be required under the EPBC Act. The EPBC Act defines 'actions' as including:

“Action’ is defined broadly in the EPBC Act and includes: a project, a development, an undertaking, an activity or a series of activities, or an alteration of any of these things. Actions include, but are not limited to: construction, expansion, alteration or demolition of buildings, structures, infrastructure or facilities; storage or transport of hazardous materials; waste disposal; earthworks; impoundment, extraction and diversion of water; research activities; vegetation clearance; military exercises and use of military equipment; and sale or lease of land.

Actions encompass site preparation and construction, operation and maintenance, and closure and completion stages of a project, as well as alterations or modifications to existing infrastructure.”

Not all actions require approval from the Department responsible for the environment and / or heritage. The applicant needs to make a decision as to whether the action is likely to have a significant impact on the World Heritage or National Heritage values of KAVHA. This is called a ‘self-assessment’. There are two guidelines that can assist an applicant in undertaking the self-assessment:

- Department of the Environment, Water, Heritage and the Arts (2013) *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance*. Available from <https://www.environment.gov.au/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance>
- Department of Sustainability, Environment, Water, Populations and Communities (2013) *Significant impact guidelines 1.2 – Actions on, or impacting upon, commonwealth land and Actions by Commonwealth Agencies*. Available from <http://www.environment.gov.au/epbc/publications/significant-impact-guidelines-12-actions-or-impacting-upon-commonwealth-land-and-actions>.

Department of the Environment, Water, Heritage and the Arts (2013) suggests that an action is likely to have a significant impact on World and/or National cultural values if there is more than 50 percent chance that the action would:

- permanently remove, destroy, damage or substantially alter the fabric of a World Heritage/National Heritage property
- extend, renovate, refurbish or substantially alter a World Heritage/National Heritage property in a manner which is inconsistent with relevant values
- permanently remove, destroy, damage or substantially disturb archaeological deposits or artefacts in a World Heritage/National Heritage property
- involve activities in a World Heritage/National Heritage property with substantial and/or long-term impacts on its values
- involve construction of buildings or other structures within, adjacent to, or within important sight lines of, a World Heritage/National Heritage property which are inconsistent with relevant values, and
- make notable changes to the layout, spaces, form or species composition in a garden, landscape or setting of a World Heritage/National Heritage property which are inconsistent with relevant values.

Where an action is likely to have a significant impact, a referral to the department responsible for the environment and / or heritage is required. Australia has an obligation under *Operational Guidelines for the Implementation of the World Heritage Convention* (UNESCO, 2017) to inform the World Heritage Centre and the International Committee on Monuments and Sites (ICOMOS) prior to making decisions that are irreversible and could have a detrimental impact on the Outstanding Universal Values identified in the World Heritage Listing. A proponent should be realistic in their self-assessment and is encouraged to seek advice from the KAVHA Heritage Manager. The Minister for the Environment has the ability to ‘call in’ a proposal if they believe the self-assessment is inaccurate. If a proponent is unsure whether the proposal is likely to be a controlled action, they have two options: ask the advice of

the KAVHA Heritage Manager and/or request advice from the department responsible for the environment and / or heritage.

The guidelines above provide information on referrals. Figure 6 depicts the EPBC Act referral process.

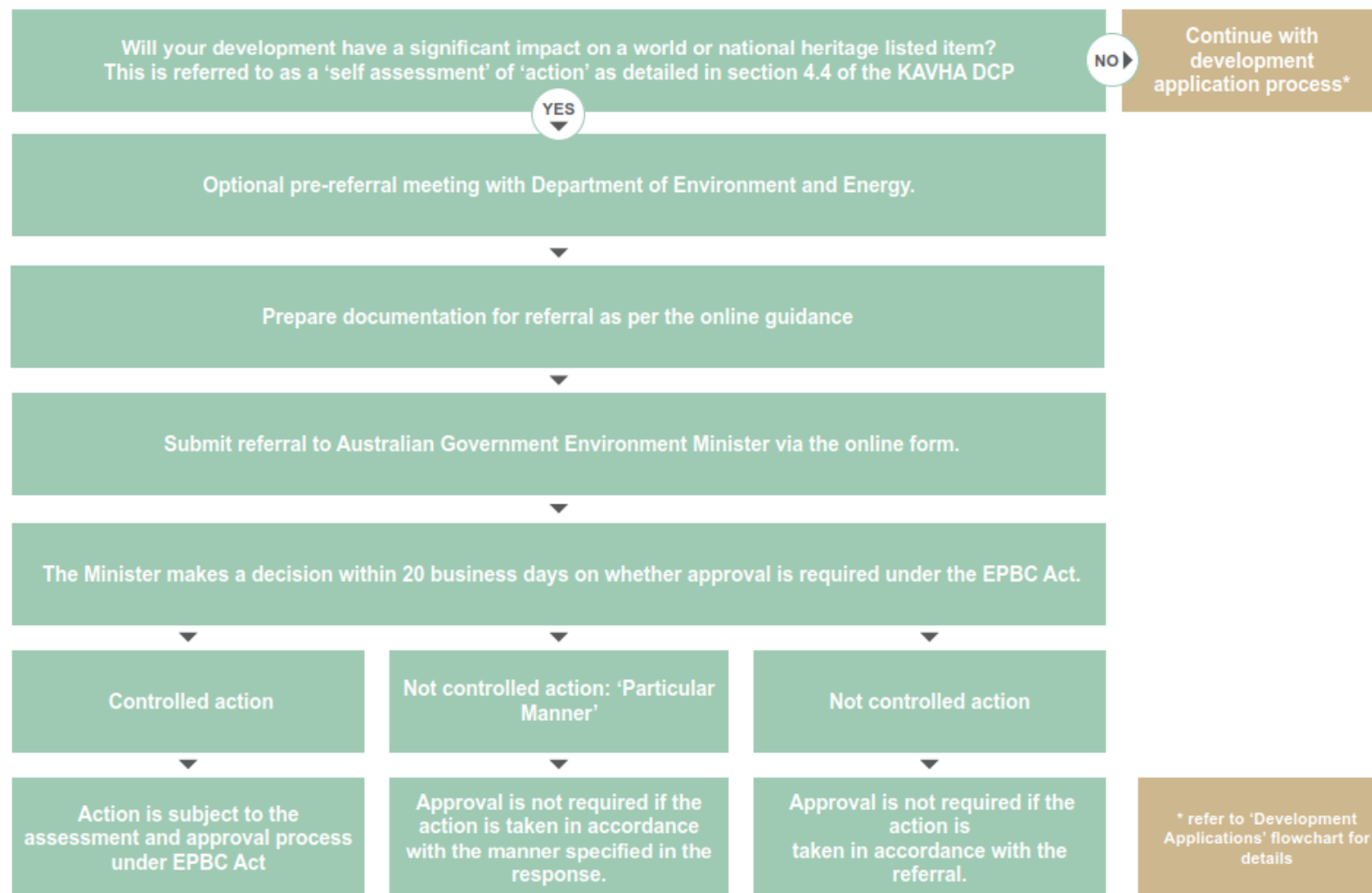


Figure 6 Environmental Protection and Biodiversity Conservation Act (Cth) referral process flowchart

PART TWO: CONTROLS

3.0 Development Consent

This section is intended to assist readers by providing a summary of the approval requirements that may apply to development applications. The approvals noted below are required under the Planning Act 2002 (NI), Norfolk Island Plan 2002, Heritage Act 2002 (NI) and other relevant local and federal legislation. Under the Norfolk Island Plan 2002, Norfolk Island is divided into zones. The zoning within KAVHA is shown in Figure 7. The Tables of Use and Development in the Norfolk Island Plan determine what use or development may be carried out in that zone. An applicant must determine what zone their land falls within and ensure their use or development is permitted within that zone before proceeding with the application.

The Heritage Act 2002 (NI) establishes the Heritage Register, a list of items that are significant to the cultural heritage of Norfolk Island. Lands considered to be or contain a heritage item of significance can be entered on the Heritage Register and are covered by the 'Heritage Overlay' for planning purposes under Part B2 of the Norfolk Island Plan 2002. Kingston and Arthur's Vale Historic Area is identified on the Heritage Register and is covered by the Heritage Overlay.

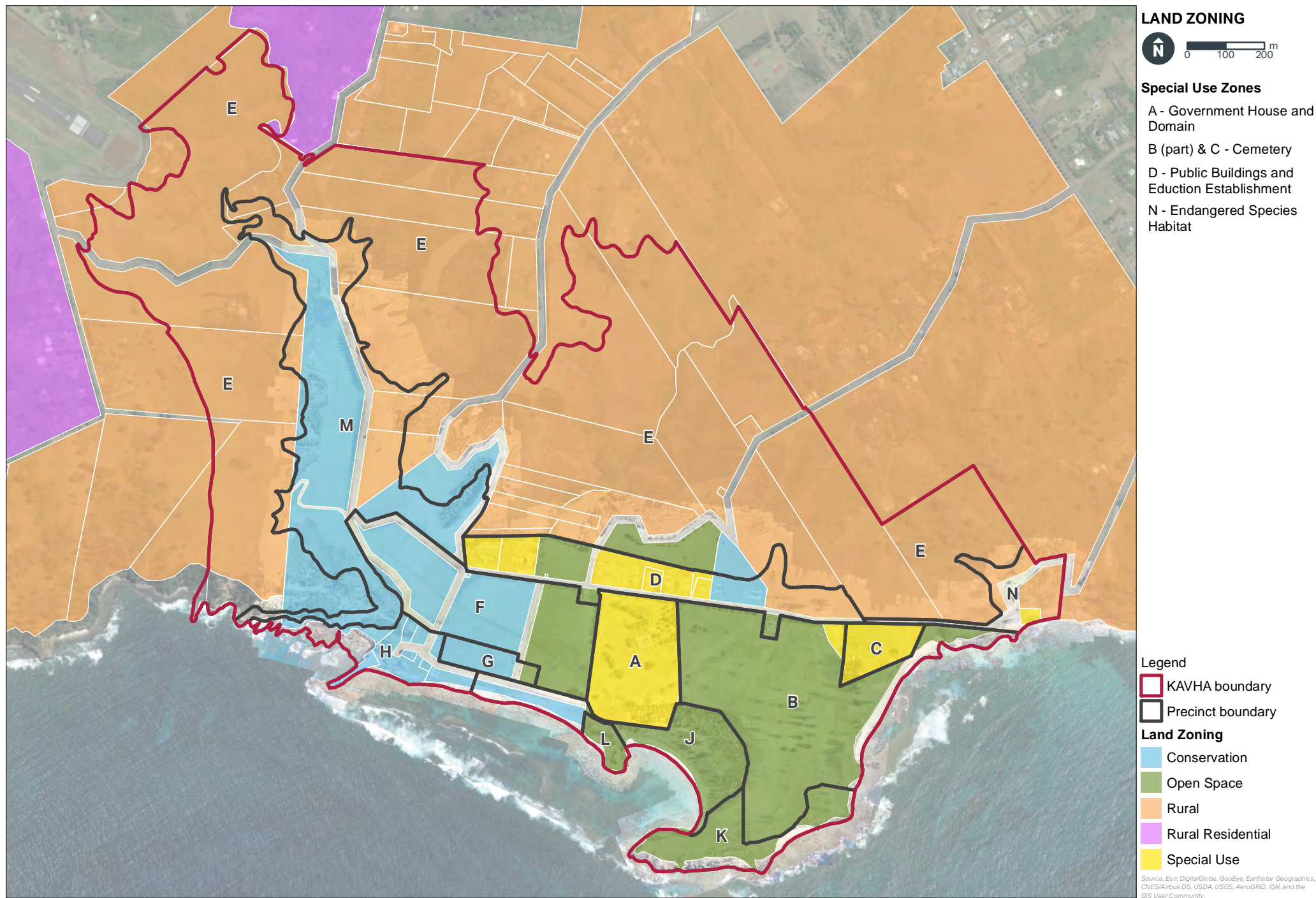
Under Clause 74(1) of the Norfolk Island Plan 2002, lands within the Heritage Overlay are subject to Clause 5 of the Norfolk Island Plan 2002, meaning approval is required for all use and development. In effect, this means that no use or development is Permitted (as of right) or Permitted, including those uses and / or developments listed in Clause 101 of the Norfolk Island Plan. Clause 101 provides a list of activities for which development approval is not required. Clause 74 applies to all land in the Heritage Overlay and development consent is required for all use and development unless the use and / or development is exempt under specified circumstances. NIRC can advise whether the use and / or development is exempt.

Figure 8 outlines the key steps in the approval pathway for each class of use or development, noting that Permitted (as of right) or Permitted in effect become Permissible (with consent). It is the preference of NIRC that, should a proposal require approval under the EBPC Act (refer to Section 2.8) that this process should be pursued prior to lodging a Development Application.

Table 1 Development and use categories as operation in KAVHA

	<p>Permitted (as of right)*</p> <p>Development and use can be carried out without development approval from the <i>Norfolk Island Regional Council (NIRC)</i>, buildings or structures associated with any use or development may require building approval in accordance with the building regulations in the <i>Building Act 2002 (NI)</i>.</p>	<p>Not relevant due to the operation of clause 74 of the Norfolk Island Plan 2002</p>
	<p>Permitted use or development*</p> <p>Development and use require the NIRC officer approval (as Minister's Delegate) (but not its consent) and is subject to conditions imposed by such representative. NIRC 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 in the Norfolk Island Plan and associated DCPs. Buildings or structures associated with any use or development may require building approval in accordance with the building regulations in the <i>Building Act 2002 (NI)</i>.</p>	<p>Not relevant due to the operation of Clause 74 of the Norfolk Island Plan 2002</p>
	<p>Permissible (with consent)</p> <p>Development and use may only be carried out with development approval from the Administrator as delegate of the Minister. Any development or use listed as 'permitted (as of right)' or 'permitted use or development', where a condition or standard from the Norfolk Island Plan are not being followed is to be considered 'permissible (with consent)'. Development and use is subject to conditions imposed by the Administrator, and is subject to any other approval, consent or permission required under any enactment. The Administrator must have given development approval on a development application prior to use or development commencing.</p>	<p>A Development Application is required for development and use that is permitted (as of right) or permitted due to the operation of Clause 74 of the Norfolk Island Plan 2002</p>
✕	<p>Prohibited</p> <p>Development and use of this variety is prohibited.</p>	<p>Prohibited development and use cannot be undertaken in KAVHA</p>

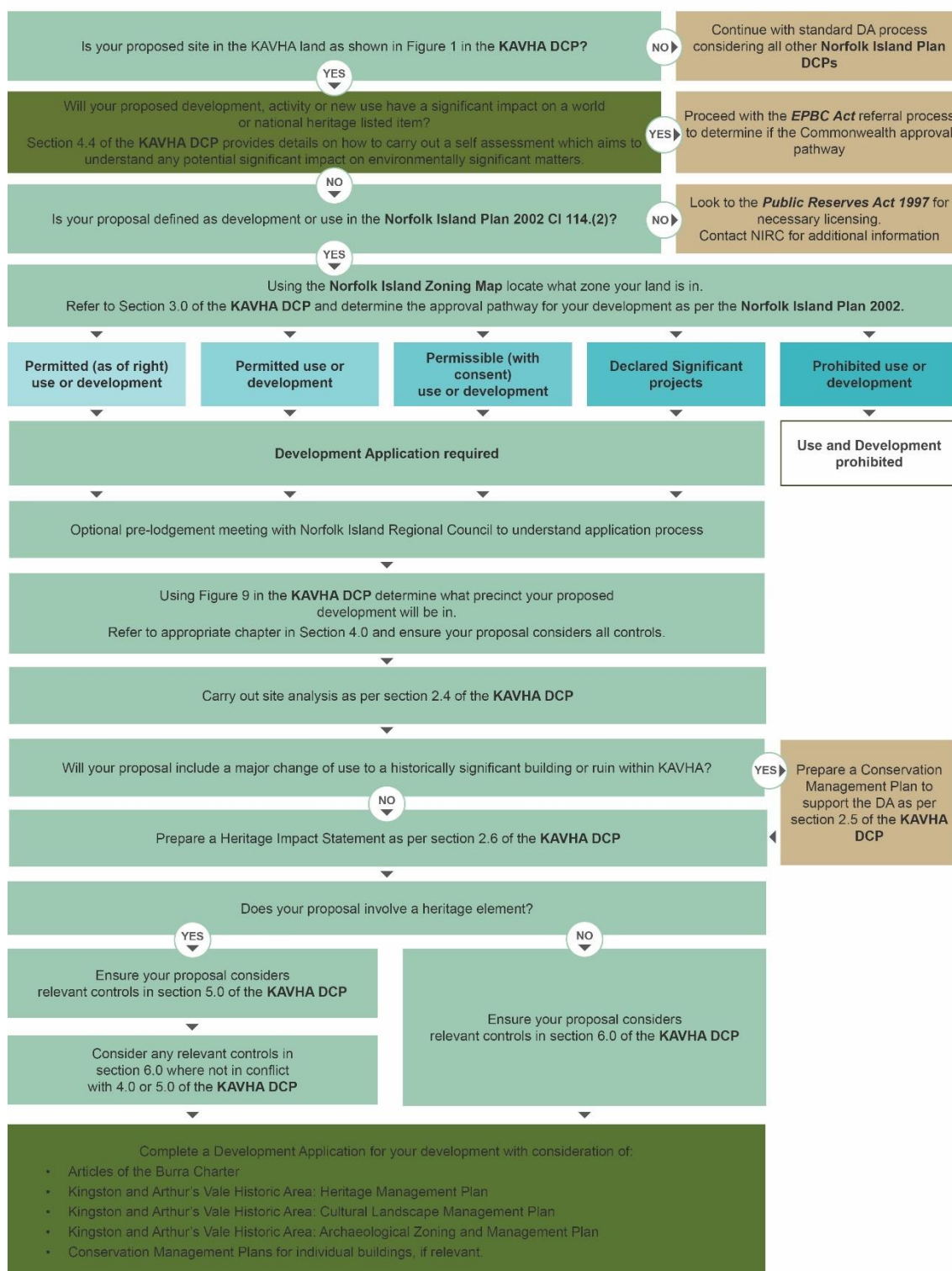
* Not relevant within KAVHA due to the operation of the Heritage Overlay.



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Figure 7 Land Zoning within KAVHA

I want to develop, introduce a new use or carry out an activity on land in KAVHA, what do I need to do?



Note: As per CI 74.(1) all development or use within heritage areas requires development approval. Exemptions to this are listed in CI 74.1 (c) including telecommunications, capital works and maintenance of public space. Refer to the NIRC for the notification process under the exemptions.

Figure 8 Development Application process

3.1 Development Applications

At present, all use or development within KAVHA requires a Development Application.

Clause 74(2) of the Norfolk Island Plan 2002 states:

“Before determining an application pursuant to clause 74(1), Minister 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*
- b) A heritage impact statement*
- c) A conservation management plan*
- d) Any other relevant supporting documentation as they deem necessary and reasonable.”*

Council's planning staff should be consulted on the application process and the level of documentation required through a 'pre-DA meeting'.

3.2 Development Application Determination

NIRC provide detailed assessment and recommendations for determination by the Minister and/or Minister's delegates.

4.0 Precincts

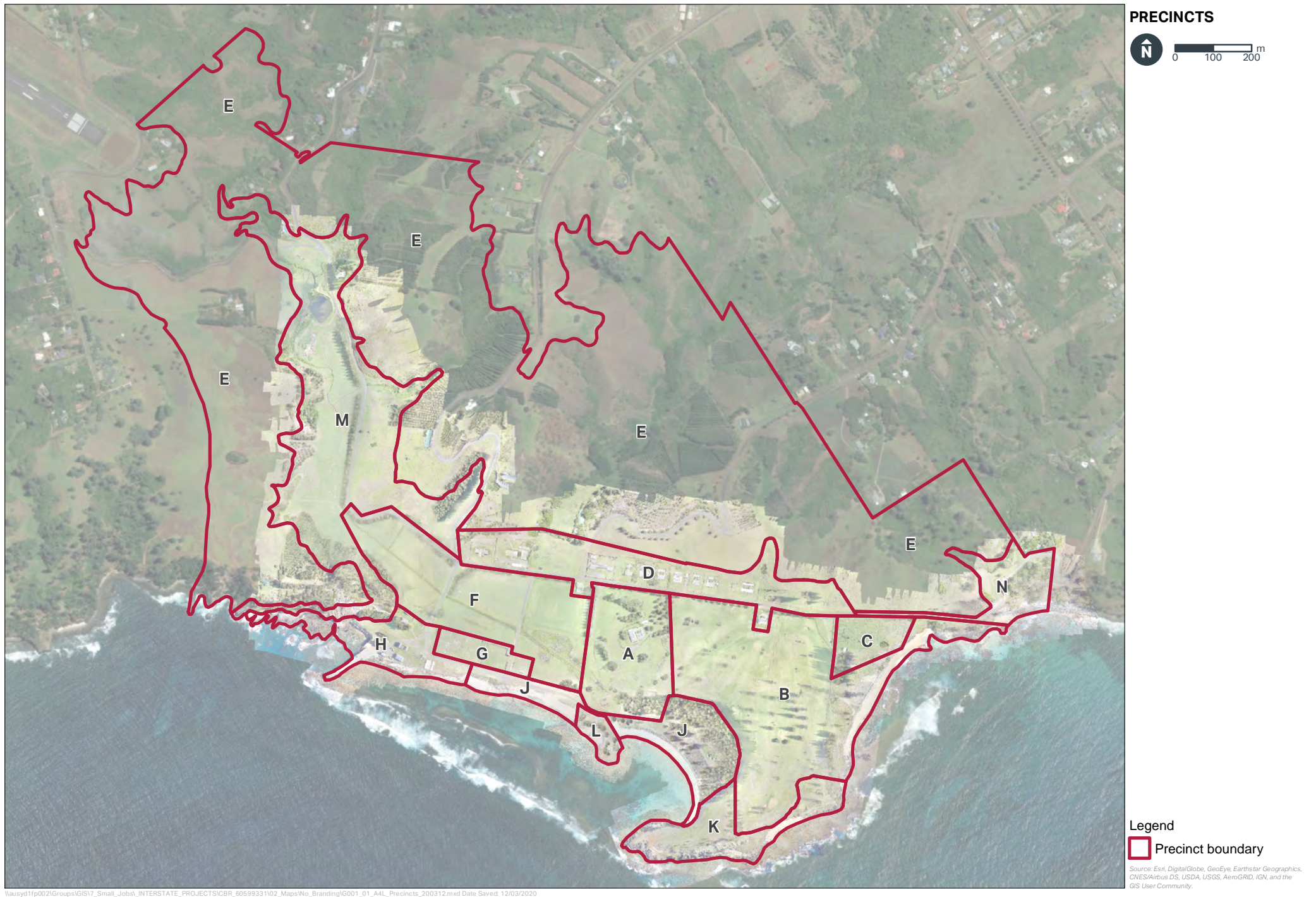
The site has been divided into Precincts to acknowledge that the site does vary substantially throughout the area and to allow a fine-grained approach to the management of the site. There are 13 Precincts:

- A. Government House Reserve
- B. Lowlands
- C. Cemetery Reserve
- D. Quality Row
- E. Uplands & Stockyard Valley
- F. Swamp (Kingston Common)
- G. Prisoners' Compound
- H. Landing Place Ridge (known as Kingston Pier)
- I. Not used
- J. Beachfront (known as Slaughter Bay and Emily Bay)
- K. Windmill Ridge
- L. Chimney Hill
- M. Arthur's Vale/Watermill Valley
- N. Bloody Bridge

The Precincts are shown on Figure 9.

However, KAVHA is more than the sum of its parts. In considering the impact of a use or development to a precinct, the impact to the site as a whole must not be overlooked. A site analysis (Section 2.4) will assist in this process. As a cultural landscape, the views between the precincts are of importance to the significance of KAVHA.

This section contains provisions for each of the Precincts. Where there is an inconsistency between this and any other section of this Development Control Plan, the controls outlined in this section overrides the inconsistency.



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Figure 9 Heritage Precincts

4.1 Overall Precinct Controls

Objective/Control	
4.1.1	Objectives
Objective 1. To ensure that proposed development does not have an adverse impact on the setting, streetscape or views associated with the heritage precincts.	
Objective 2. To ensure that new development is compatible with the significance of heritage precincts	
4.1.2	Controls
Control 1. Development within heritage precincts are to: <ul style="list-style-type: none"> a) Comply with the relevant precinct controls b) Comply with controls set out for heritage elements in the Heritage Elements Section 5.0 and General Provisions Section 6.0. 	
Control 2. Development Applications shall be accompanied by a Heritage Impact Statement.	
Control 3. Where a Development Application includes major alterations to an identified heritage structure, a Conservation Management Plan should be prepared.	

4.2 Precinct A – Government House Reserve

4.2.1 Background

Key items in Precinct: Government House Complex (1 A), Garrison Stockade (2 A), Landscaping & bridges (3-5 A), Polynesian Settlement (site) and Chimney Hill Pines (A10).

Few structures survive from 1825–1830, but there may be remains of a stockade near Government House, the prisoners' camp near the sports field, wattle and grass huts, and temporary weatherboard buildings. Rebuilt in 1825, Government House is remarkably intact with high quality joinery in doors, architraves, chimney pieces, built-in cupboards, window reveals and internal shutters. Hinges are stamped with the broad arrow. External stonework, including quoins, sills and verandah flagging survives. The house is still used as an official residence.

The flower garden layout is similar to how it was historically. There are also remains of a rectangular ornamental garden surrounded by Norfolk Island pines, now old trees. Driveways survive but some modern plantings interfere with views. The rear service yard and some outbuildings remain, and other ruins were re-roofed in 1970–1980 as storerooms and workshops. A curved stone gateway has been partly reconstructed. There are remains of a gatekeeper's lodge and early stockyards (Godden Mackay Logan Pty Ltd, 2016:34).

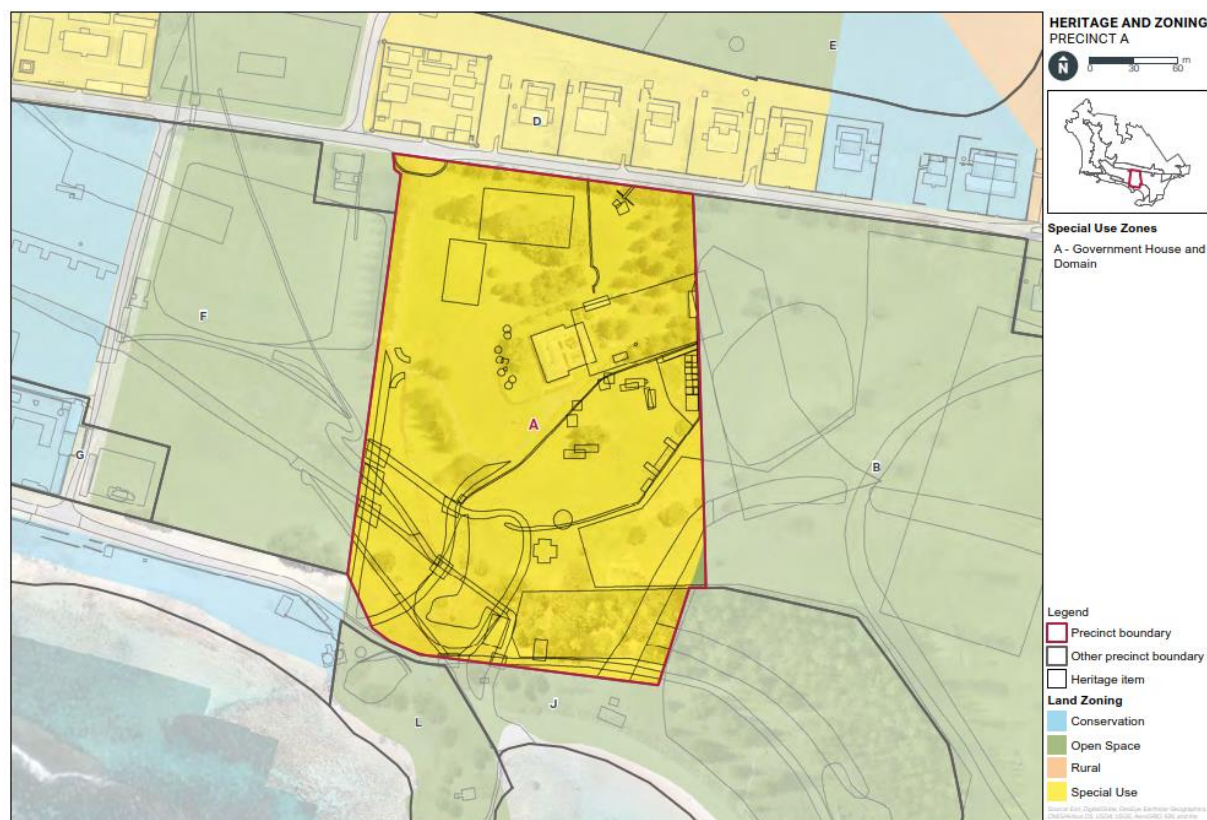


Figure 10 Precinct A showing land use zoning and location of key items



Figure 11 View of Government House Reserve showing stone gateway entrance and driveway from Quality Row, stone wall fencing and formal plantings of Norfolk Island Pines



Figure 12 View of Government House and gardens sited on prominent hill surrounded by cleared open space



Figure 13 View of Government House showing Georgian style of house and formal garden



Figure 14 View of Government House Reserve showing outbuildings and ruins on the reserve

4.2.2 Distinctive Characteristics

- Georgian house
- Formal and informal gardens
- Site layout and spatial relationship– house, extant outbuildings, ruins, yards sited on a prominent hill
- Expansive and commanding views from Government House
- Cleared open space
- Formal plantings of Norfolk Island Pines
- Sinuous curved driveway and stone gateway
- The stand of Norfolk Island Pines adjacent to the Polynesian campsite
- Historic drains
- Quarry site

4.2.3 Historical Importance

Government House and Reserve Precinct demonstrate characteristics of a longstanding penal settlement in its physical layout and governance arrangement. The 1829 Government House is one of the earliest and most intact extant government houses in Australia. The building is prominently placed on Dove Hill with commanding views of the military precinct, colonial administration, convict quarters, farmland and the pier.

Chimney Hill Quarry demonstrates the rich patterns of KAVHA's settlement history.

The Precinct also includes evidence of Polynesian Settlement, providing a rare example where distinctive Polynesian/European community has lived and practices their cultural traditions for over

150 years. The Precinct also has research potential to yield information on pre-European Polynesian culture exploration and settlement patterns.

4.2.4 Land Use

The land within Precinct A is zoned Special Use, meaning the land is protected and preserved for existing and future public, government, and Administration use or development. The mapping associated with the Norfolk Island Plan designates the primary Special Use of each area zoned as such. The Special Use associated with Precinct A is 'Government House & Domain.' Table 2 outlines the use or developments permissible within this zone under the *Norfolk Island Plan 2002*. Despite being permissible with consent, there are some activities that are unlikely to be acceptable within Precinct A, based on the heritage significance of the site, the existing structures and uses. A proponent should seek a meeting with the KAVHA Heritage Manager to determine whether their proposal may be acceptable from a heritage perspective and whether and a referral under the EPBC Act (refer to Section 2.8) may be necessary.

Table 2 Precinct A Permissible Use or Development -Special Use Zone

Permissible (with consent)	Prohibited
Column 1	Column 2
Child care centre Earthworks Educational Establishment Hospital Indoor sport and recreation Place of Assembly Public Building Public works – minor Public Works – major Residence – Residential Care Establishment Subdivision – Minor Subdivision – Major Wharf OR the use or development identified on the Zoning Map in the <i>Norfolk Island Plan 2002</i>	Use or development other than use or development specified in Column 1

4.2.5 Controls

Objective/Control
4.2.5.1 Objectives
Objective 3. To preserve the contributing landscape elements that form a backdrop to Government House Reserve Precinct.
Objective 4. To conserve and protect the elements that contribute to the heritage significance of Government Reserve Precinct.
Objective 5. To provide for both official and private residence requirements of Government House and its associated structures and grounds.
Objective 6. To provide for recreational areas such as picnicking, camping and golfing.
Objective 7. To ensure garden design contributes to the interpretation of the site through sensitive reconstruction.
Objective 8. To ensure garden species are appropriate to the historical context in which they are planted and support the heritage values of the site.
Objective 9. To protect and promote the interpretation of the Polynesian archaeological site.
4.2.5.2 Controls
Control 4. Preserve surrounding prominent undeveloped hillside with trees on the ridgeline as a backdrop for Government House and Reserve.
Control 5. Preserve identified significant views and visual relationships from Government House and grounds:

Objective/Control
<ul style="list-style-type: none"> a) To Flagstaff Hill b) To the Pier c) To and from Bay Street
Control 6. Maintain Government House' historic spatial layout and form as a focal point within the Precinct and KAVHA.
Control 7. Conserve and maintain Government House and its associated elements that contribute to the Precinct's heritage significance.
<p>Control 8. Proposed new development shall conform to the following:</p> <ul style="list-style-type: none"> a) No new buildings or external alterations are permitted to the House. b) c) Ensure that existing buildings are utilised to their full capacity d) Explore methods of adaptive re-use with little or no alteration to significant fabric. e) Explore methods of temporary structures or reversible construction.
Control 9. Temporary ancillary structures such as maintenance sheds may be erected provided the structures do not have a negative impact on the heritage significance of the Precinct.
Control 10. Any works to alter fencing within the Precinct must not alter the original appearance of the entry and boundary fencing to Precinct.
Control 11. Garden design must demonstrate it responds to the historical and archaeological evidence for the species, structure and materials.
Control 12. Development must ensure the maintenance and preservation of significant vegetation. Provision for succession planting in areas of significance should be included
Control 13. Removal of plantings to re-establish or maintain significant historic views is permitted.
Control 14. Development must retain and conserve remnant sections of historic drains and waterways including Chimney Hill Tunnel
Control 15. Facilities for picnicking such as picnic tables are permitted provided that use and any proposed elements do not have an adverse impact on the heritage significance of the Precinct.
<p>Control 16. Proposed development shall comply with recommendations set out in:</p> <ul style="list-style-type: none"> a) <i>Conservation Management Plan for Government House and Reserve</i> and b) <i>Government House Ground Reserve Plan of Management, 2003</i> c) <i>Government House and Quality Row Residences Gardens Conservation, 1997</i> d) <i>Inspiring Place Report, 2017</i> e) And/or the successors to these documents
Control 17. Proposals to protect and interpret the Polynesian archaeological site, where there is negligible impact to other elements of KAVHA's significance, should be considered favourably.

4.3 Precinct B & C– Lowlands and Cemetery Reserve

4.3.1 Background

Key items in Precinct: Gardens & Farm (sites) (B1-2), Quarry and Rock Crushers (site)(B3), Causeway (vestiges)(B4), Golf course & items on it (B5-8), Murderers' Mound (B9), Wet Quarry (site) (B10), Cemetery (colonial) (C1) and Cemetery (Pitcairn) (C2).

The cemetery has been in use since c1798. The initial area has a stone gate, corner posts and memorials of calcarenite. After 1856, the cemetery extended west and marble headstones were used. Some lettering was re-cut in the 1960s, possibly earlier. Further east, on land that was at that time consecrated ground, is Murderers' Mound—the unmarked burial site of members of the 1846 convict uprising.

In 1836 a long mound was formed to stop drifting sand. Much of the mound was removed by c1950 for fill but sections remain. Road formations remain to Point Hunter and to the quarries and windmill. The area was a golf course by the early twentieth century, sharing the site with a racetrack. A cutting remains where there was a line of rock crushers during World War II, when the old quarry was also reworked. They produced road base for the airstrip. During World War II Point Hunter was quarried; the hole was later used as a tip and is now a picnic area (Godden Mackay Logan Pty Ltd, 2016:34).

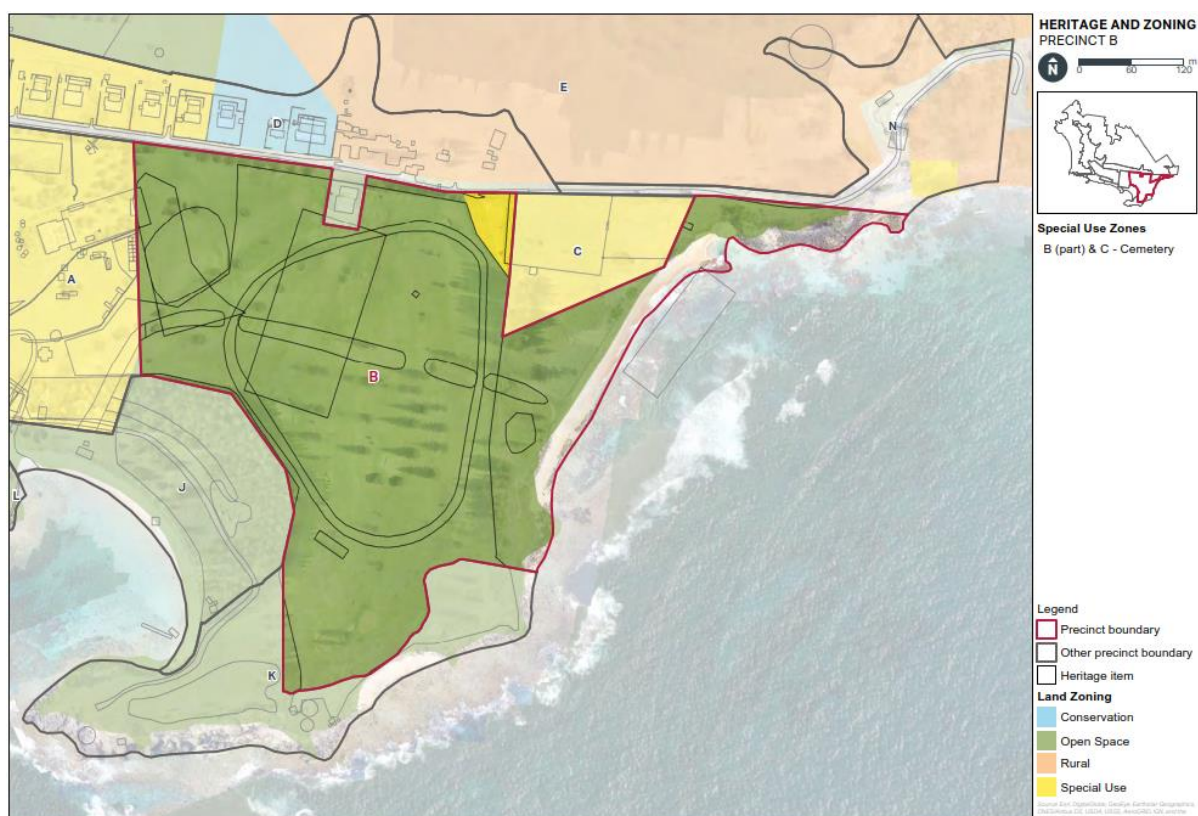


Figure 15 Precinct B showing land use zoning and location of key items

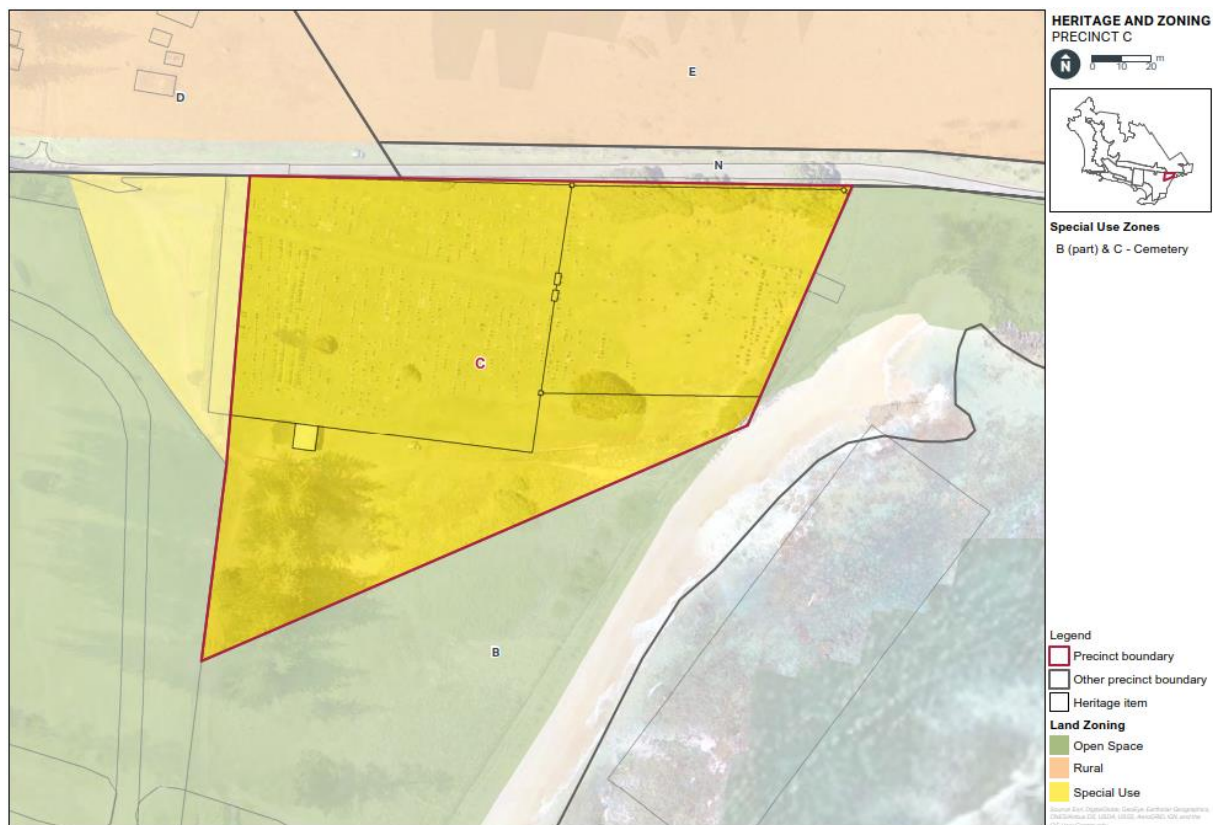


Figure 16 Precinct C showing land use zoning and location of key items



Figure 17 View of Lowlands and Cemetery Reserve showing fencing and access to Cemetery Bay



Figure 18 View of Cemetery Reserve showing steep hill to the north and picturesque setting

4.3.2 Distinctive Characteristics

- Golf course
- Fenced cemetery with views to the ocean
- Backdrop of steep hills to the north
- Relationship to downtown area to the west
- Outstanding collection of headstones amongst a picturesque setting
- Open, roughly grassed and grazed lowlands

4.3.3 Historical Importance

The golf course is located over subsurface remains from the second settlement which evidences former gardens, farms and a quarry. The use of the cemetery from c1798 to the present makes it one of the longest-serving burial grounds in Australia and has historic aesthetic and social significance. It is

still actively used by the community for burials and the commemoration of the dead. Tourists are able to reconnect with their convict ancestors buried in the cemetery, while those who have no direct descendants also find they are able to connect with historical individuals through the inscriptions on the headstones. The cemetery also conveys the rugged and harsh quality of life on the Island during the early settlements.

4.3.4 Land Use

The land within Precinct B is zoned Open Space, while C is zoned Special Use. The land within Precinct C zoned Special Use, means the land is protected and preserved for existing and future public, government, and Administration use or development. The mapping associated with the Norfolk Island Plan designates the primary Special Use of each area zoned as such. The Special Use associated with Precinct C is 'Cemetery.' Table 3 and Table 4 outlines the use or developments permissible within these zones under the *Norfolk Island Plan 2002*. Despite being permissible with consent, there are some activities that are unlikely to be acceptable within Precinct B&C, based on the heritage significance of the site, the existing structures and uses. A proponent should seek a meeting with the KAVHA Heritage Manager to determine whether their proposal may be acceptable from a heritage perspective and whether and a referral under the EPBC Act (refer to Section 2.8) may be necessary.

Table 3 Precinct B Permissible Use or Development - Open Space Zone

Permissible (with consent)	Prohibited
Column 3	Column 2
Agriculture Car Park Club Earthworks Forestry Food Premises National Park Open Space Outdoor Sport and Recreation Facility Park Public Works – Minor Public Works – Major Road Subdivision – Minor Subdivision – Major Tourist Facility Wharf	Use or development other than use or development specified in Column 1

Table 4 Precinct C Permissible Use or Development - Special Use Zone

Permissible (with consent)	Prohibited
Column 1	Column 2
Child care centre Earthworks Educational Establishment Hospital Indoor sport and recreation Place of Assembly Public Building Public works – minor Public Works – major Residence – Residential Care Establishment Subdivision – minor Subdivision – Major Wharf OR the use or development identified on the Zoning Map in the <i>Norfolk Island Plan 2002</i>	Use or development other than use or development specified in Column 1

4.3.5 Controls

Objective/Control
4.3.5.1 Objectives
<p>Objective 10. Provide opportunities for:</p> <ul style="list-style-type: none"> a) low impact use b) outdoor sport and recreation facilities c) variety of exempt use or development including, but not limited to temporary sporting and cultural activities
<p>Objective 11. To preserve the contributing landscape elements that form a backdrop to Lowlands and Cemetery Reserve Precincts.</p>
<p>Objective 12. To conserve and protect the elements that contribute to the heritage significance of Lowlands and Cemetery Reserve Precincts.</p>
<p>Objective 13. Continued use of the site as open space and cemetery.</p>
4.3.5.2 Controls
<p>Control 18. Development or use within the Precincts shall not impact on views of the steep hills as backdrop to Lowlands and Cemetery Reserve Precincts.</p>
<p>Control 19. Development or use must not impact on the ability of the Lowlands and Cemetery Reserve and associated elements to contribute to the Precinct's heritage significance including:</p> <ul style="list-style-type: none"> a) Open grass area (golf course) b) Headstones and gravesites c) Perimeter fencing d) Significant walking tracks
<p>Control 20. Proposed works to the cemetery shall incorporate recommendations outlined in:</p> <ul style="list-style-type: none"> a) Existing management plans, and b) KAVHA Condition and Conservation Report, 2017
<p>Control 21. Demarcated access tracks may be constructed or existing tracks formalised where there are no adverse impact to:</p> <ul style="list-style-type: none"> a) heritage significance b) archaeology c) dunal vegetation.
<p>Control 22. Plantings of low scale with preference to endemic dune species are permissible to protect the cemetery from erosion.</p>

4.4 Precinct D - Quality Row

4.4.1 Background

Key items in Precinct: Quality Row Officers' Quarters (D1–11), Old Military Barracks complex (D12), Parade Ground & Pitcairn Church (site) (D13–14), Towns Creek Culvert & Officers' Bath (D15), New Military Barracks complex (D16), Commissariat Store complex (D17) Quarters, Police Hut & Overseer's (D18–20), Dewville and Paradise Hotel (site) (D21–22) and Landscape items (D23–24).

The 1830s formal layout of Kingston had the convict establishment on the foreshore and the military establishment on the north side of the swamp.

The Old Military Barracks

The compound wall, with corner observation towers, encloses the central 1832 barracks and flanking officers' quarters. Ancillary buildings are the former officers' outbuilding, officers' privy, guard room, powder magazine, military hospital and wells. In 1855 the main barracks became a Methodist Church with the first floor and the unstable upper (third) storey removed and a new gable roof added. Burns Philp's early twentieth-century additions have been removed, as have changes for the c1945–1979 Works Depot.

In 1979 the earlier form was partly reinstated and the buildings adapted for the Norfolk Island Legislative Assembly and Court.

The New Military Barracks

This complex, constructed in 1835–1837, has a larger central barracks flanked by officers' quarters (reconstructed after a fire) and the archaeological remains of a military hospital. The central building has two large rooms on each floor (now subdivided internally by partitions, however, they retain their original volume and some of the original plaster finish). The rooms are articulated externally through the fenestration pattern. A series of turned timber columns support the front verandah at ground level. The central stair hall has sandstone flagging and a stone stair. The officer's outbuilding became a lock-up c1910. The Powder Magazine, which originally had a slate roof, is largely intact as is the guard house, although only the stonework is original. The compound wall, including the main archway and corner turrets, survives.

In 1856, Pitcairners initially lived in the barracks. The school was on the second floor from 1856 to 1911, and the Pitcairners' courtroom (built in 1896) was on the ground floor. The board and batten ceilings are from this time. In 1926, buildings in this compound were extensively renovated for the administration of Norfolk Island. The disused upper floor was renovated as offices in 1946. The courtroom joinery was removed after 1974 and is in the museum.

The Former Commissariat Store

The building is largely intact with stone walls, timber internal floors, roof structure and the impressive front stair. On the parapet is a dedication to Major Anderson. Sheds along the north and west walls have been removed but their rooflines are evident in the compound wall. When the building was converted into an Anglican Church in 1874, the first floor was removed to create a double height space and a stained glass window was added. The museum's archaeological collection is now in the ground floor and the upper floor is unused.

Officers' Quarters, Quality Row

In 1832–1847, 11 residences were built and now form an impressive streetscape. They are set back from the road, sitting on a high plinth with verandahs. They have masonry walls, timber verandah columns and roof structure, and originally had timber shingled roofs. Each has a central hall with two rooms on each side, a rear service courtyard, a well, a separate kitchen block and servants quarters, and one has stables. Four larger first-class quarters were built (D1, D7, D9 and D11), six second-class quarters and one duplex (D2/3). There are timber entry gates in stone front walls that enclose a front presentation garden, rear garden (utility and productive) and side and courtyard gardens (utility, productive or presentation).

The houses were allocated to Pitcairn families by a lottery. Their board and batten additions have been removed but introduced tropical plants and fruits survive at Nos 6, 9 and 10, as well as hedges of tecomah, hibiscus and red leaf. In the past, Nos 1, 5 and 8 Quality Row were destroyed by fire, while Nos 3, 4, and 9 have been damaged by fire at various times, and other houses have deteriorated. Nos 2, 3 and 4, which have also been burnt, are conserved as ruins. No. 11 is offices, No. 10 is a house museum, No. 9 a research centre and No. 1 the golf clubhouse. The others are residences. In the early and mid-twentieth century, tourist accommodation—Dewville

and the later *Paradise Hotel*—were built east of the houses but later demolished. The site is now a picnic area. The ruin of a police hut survives further east.

The *Parade Ground* was formed c1834 with fill from the *Commissariat Store* site, and a stone vaulted drain was built over the creek. A sunken public water tank was built, now called the *Officers Bath*.

Reconstruction Program

From 1962 compound walls were stabilised and bagged. Architects supervised works at No. 8 *Quality Row* in 1969–1970, developing the approach used subsequently. Buildings have been reconstructed to their mid-nineteenth century configuration. Some details have been changed including the use of smooth render to the walls, which were originally rougher pebbledash. Much of the joinery has been replaced and original joinery samples are in the museum. White PVC rainwater goods are evident as is asbestos and later fibre cement shingle roofing, some of which has now been replaced with timber shingles. Often works were initialled and dated. Physical evidence shows changes in conservation practice. Some stabilised ruins have evidence of the original construction and finishes (Godden Mackay Logan Pty Ltd, 2016:35).

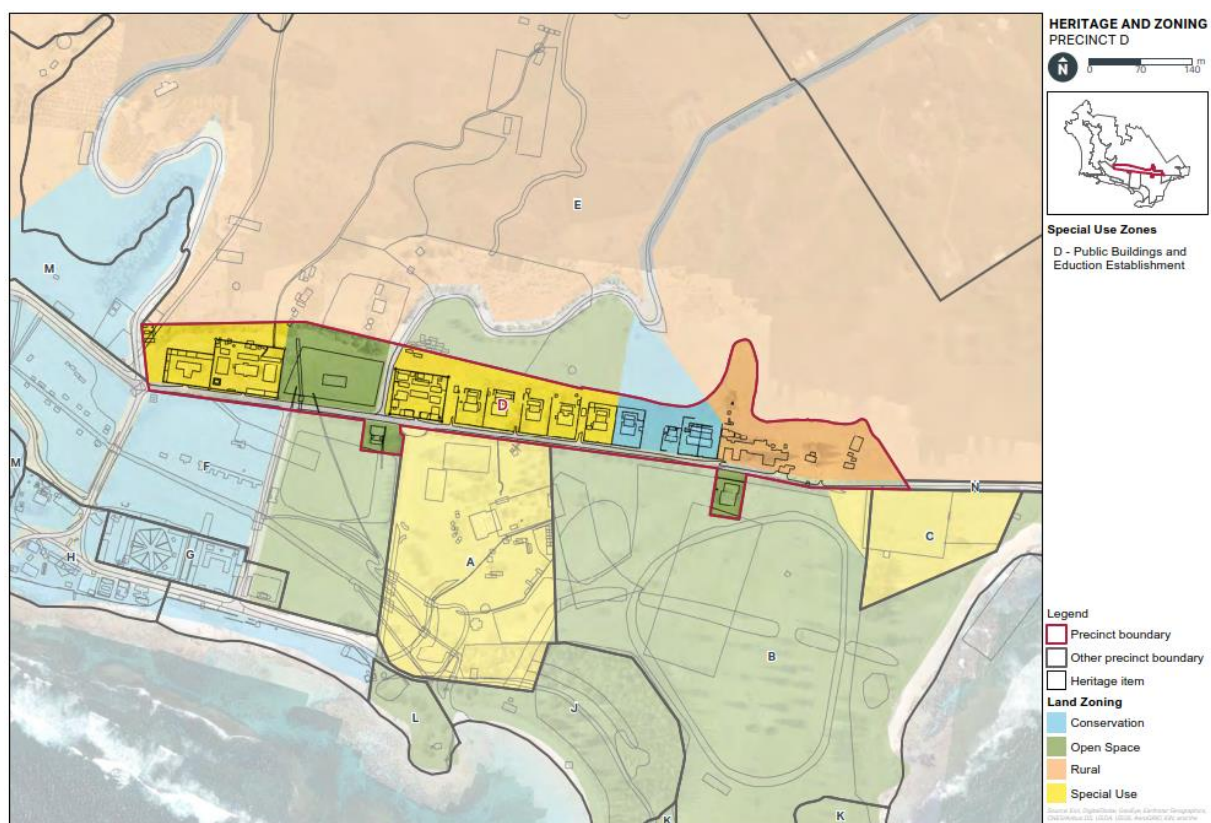


Figure 19 Precinct D showing land use zoning and location of key items



Figure 20 View of Quality Row looking east showing Commissariat Store, perimeter walls and formal plantings of Norfolk Island Pines



Figure 21 View of Quality Row looking west showing stone fencing, kerbed and free draining road, grassed footpaths



Figure 22 View of Quality Row showing Georgian style of house and garden within regular blocks formally planned



Figure 23 View of Quality Row showing building ruins and steep cleared hills as a backdrop

4.4.2 Distinctive Characteristics

- Views along the alignment of Quality Row
- Formally planned street with regular blocks
- Bulk of buildings on the northern (higher) side of Quality Row
- High walls surrounding the Old and New Military Barracks and Commissariat's Store, creating bulk and height at the western end of Quality Row, which diminishes in scale towards the east.
- Informal edges to Quality Row
- Steep, cleared hill sides as backdrop to the buildings
- Thickly landscaped skyline
- Collection of Georgian buildings and associated gardens
- Building ruins

4.4.3 Historical Importance

Quality Row Precinct demonstrates the Georgian style of streetscape and town planning during the penal settlement. Quality Row is one of the best-preserved collections of Georgian buildings and gardens in Australia. The houses within Quality Row have the ability to interpret the lives of officers and officials, including their hierarchy, during the Second Settlement and the overlying Pitcairner use of the houses as they adapted to their new life on Norfolk Island. The Old Military Barracks was the

first permanent barracks built during the second settlement and evidences the military design in an isolated setting. The buildings on Quality Row contribute to the aesthetic quality of KAVHA.

4.4.4 Land Use

The land within Precinct D is zoned Special Use, Open Space and Conservation. A portion of land within Precinct D is zoned Special Use, meaning the land is protected and preserved for existing and future public, government, and Administration use or development. The mapping associated with the Norfolk Island Plan designates the primary Special Use of each area zoned as such. The Special Use associated with part of Precinct D is 'Public buildings & Education establishment.' Table 5 Table 6 and Table 7 outline the use or developments permissible within these zones under the *Norfolk Island Plan 2002*. Despite being permissible with consent, there are some activities that are unlikely to be acceptable within Precinct D, based on the heritage significance of the site, the existing structures and uses. A proponent should seek a meeting with the KAVHA Heritage Manager to determine whether their proposal may be acceptable from a heritage perspective and whether and a referral under the EPBC Act (refer to Section 2.8) may be necessary.

Table 5 Precinct D Permissible Use or Development - Special Use Zone

Permissible (with consent)	Prohibited
Column 1	Column 2
Child care centre Earthworks Educational Establishment Hospital Indoor sport and recreation Place of Assembly Public Building Public works – minor Public Works – major Residence – Residential Care Establishment Subdivision – Minor Subdivision – Major Wharf OR the use or development identified on the Zoning Map in the <i>Norfolk Island Plan 2002</i>	Use or development other than use or development specified in Column 1

Table 6 Precinct D Permissible Use or Development - Open Space Zone

Permissible (with consent)	Prohibited
Column 1	Column 2
Agriculture Car Park Club Earthworks Forestry Food Premises National Park Open Space Outdoor Sport and Recreation Facility Park Public Works – Minor Public Works – Major Road Subdivision – Minor Subdivision – Major Tourist Facility Wharf	Use or development other than use or development specified in Column 1

Table 7 Precinct D Permissible Use or Development -Conservation Zone

Permissible (with consent)	Prohibited
Column 1	Column 2
Earthworks Food Premises Forestry National Park Open Space Park Public Works - Minor Road Subdivision – Minor Subdivision – Major Wharf	Use or development other than use or development specified in Column 1

4.4.5 Controls

Objective/Control
4.4.5.1 Objectives
Objective 14. To preserve the contributing landscape elements that form a backdrop for the Quality Row Precinct.
Objective 15. To conserve and protect the elements that contribute to the heritage significance of the Quality Row Precinct including authenticity and integrity of heritage elements.
Objective 16. To protect heritage elements and archaeological elements that are fragile and susceptible to impact from visitors to the site.
Objective 17. To encourage active use of existing buildings and promote appropriate adaptation.
Objective 18. To improve visitor access and amenities.
Objective 19. To ensure gardens are designed to maintain important views.
Objective 20. To ensure garden design contributes to the interpretation of the site through sensitive reconstruction.
Objective 21. To ensure garden species are appropriate to the historical context in which they are planted and support the heritage values of the site.
4.4.5.2 Controls
Control 23. Development or use must not negatively impact on the surrounding prominent hillside as a backdrop for Quality Row.
Control 24. Development or use must conserve and maintain Quality Row and associated elements that contribute to the Precinct's heritage significance.
Control 25. Development or use must not disrupt the historic spatial layout of the Quality Row Precinct including: <ul style="list-style-type: none"> a) groupings of buildings b) orientation c) setbacks from boundaries
Control 26. Retain and protect heritage streetscape elements of Quality Row including: <ul style="list-style-type: none"> a) Line of trees b) Fencing c) Grassed footpaths d) Soft road edges
Control 27. No new buildings and structures shall be proposed within the Precinct without undertaking the following measures: <ul style="list-style-type: none"> a) Ensure that existing buildings are utilised to their full capacity b) Explore methods of adaptive re-use with little or no alteration to significant fabric. c) Explore methods of temporary structures or reversible construction
Control 28. Alterations and additions shall be limited to : <ul style="list-style-type: none"> a) restoring or reconstructing original facades b) removing intrusive elements c) general maintenance and repair
Control 29. Development shall consider removal of identified intrusive structures.
Control 30. Garden design must demonstrate it responds to historical and archaeological evidence for the species, structure and materials.
Control 31. Where a plan of management is available, garden design must demonstrate it aligns with the plan. Fruit and vegetable gardens shall be considered.
Control 32. Proposed development shall respond to the plan of management for Quality Row.



Figure 25 View of Uplands Precinct showing steep-sided valley with narrow valley floors



Figure 26 View of Uplands Precinct showing landscaped hillsides as backdrop to the Precinct



Figure 27 View of Uplands Precinct showing remnant historic gardens and structures



Figure 28 View of Uplands Precinct beyond showing hillside backdrop to historic precincts on low lying lands

4.5.2 Distinctive Characteristics

- Steep sided valleys, with narrow valley floors
- Complex topography
- Forms backdrop to precincts A, B, C, D, F, G, H, J, K, L, M and N
- Rural character with small scale dotted residential and agricultural buildings
- Varied elements including contemporary dwellings, historic ruins and remnant gardens

4.5.3 Historical Importance

The Uplands Precinct evidences the economic and agricultural life of the early settlements. The site also evidences religious worship through the gardens established by the Roman Catholic priests. The Uplands has the potential to a vast array of archaeology including evidence of the water supply system of the second settlement.

4.5.4 Land Use

The land within Precinct E is zoned Rural, Conservation and Open Space. Table 8 and Table 9 outline the use or developments permissible within these zones under the *Norfolk Island Plan 2002*. Despite being permissible with consent, there are some activities that are unlikely to be acceptable within Precinct E, based on the heritage significance of the site, the existing structures and uses. A proponent should seek a meeting with the KAVHA Heritage Manager to determine whether their proposal may be acceptable from a heritage perspective and whether and a referral under the EPBC Act (refer to Section 2.8) may be necessary.

Table 8 Precinct E Permissible Use or Development - Conservation Zone

Permissible (with consent)	Prohibited
Column 1	Column 2
Earthworks Food Premises Forestry National Park Open Space Park Public Works - Minor Road Subdivision – Minor Subdivision – Major Wharf	Use or development other than use or development specified in Column 1

Table 9 Precinct E Permissible Use or Development - Rural Zone

Permissible (with consent)	Prohibited
Column 1	Column 2
Agriculture Child-care centre Club Earthworks Educational facility Food premises Garden centre Indoor Sport and Recreation Facility Forestry Home industry Home occupation Industry – Extractive Industry – General Industry – Light Industry – Rural Intensive Animal Husbandry Licenced Club Open space Outdoor Sport and Recreation Facility Park Place of Assembly Place of Public Worship Public Building Public works – Minor Public Works – Major Residence – dwelling house Residence – Accommodation Units (low density) Residence – Dual Occupancy Residence – Residential Care Facility Subdivision – Minor Subdivision – Major Tourist Facility Veterinary Establishment Wharf	Use or development other than use or development specified in Column 1

Table 10 Precinct E Permissible Use or Development - Open Space Zone

Permissible (with consent)	Prohibited
Column 3	Column 2
Agriculture Car Park Club Earthworks Forestry Food Premises National Park Open Space Outdoor Sport and Recreation Facility Park Public Works – Minor Public Works – Major Road Subdivision – Minor Subdivision – Major Tourist Facility Wharf	Use or development other than use or development specified in Column 1

4.5.5 Controls

Objective/Control
4.5.5.1 Objectives
Objective 22. Maintain the rural character of the Precinct as a backdrop and buffer area to the heritage elements in the low lands. Minimise intrusion from contemporary developments.
Objective 23. To conserve and protect the elements that contribute to the heritage significance of the Uplands Precinct.
Objective 24. Promote low-intensity development of rural use or development to buffer sensitive conservation areas and provide valuable open space.
Objective 25. Promote ecologically sustainable practices to maintain and preserve biodiversity: <ul style="list-style-type: none"> a) Promote agriculture b) Protect biodiversity c) Maintenance of water quality and Retention of vegetation to minimise erosion
4.5.5.2 Controls
Control 33. Development shall not negatively impact on the ability of the surrounding prominent hills, cliffs and trees to act as a backdrop and screen for the low-lying precincts.
Control 34. Development shall not be visible within identified significant views from: <ul style="list-style-type: none"> a) QEII, b) Middlegate Road, c) Taylor's Road, and d) Flagstaff Hill identified in the CLMP for KAVHA.
Control 35. Proposed development shall not break the skyline identified.
Control 36. Permit removal of plantings to re-establish or maintain significant historic views identified in Figure 5.
Control 37. Subdivision applications must consider the controls within the Norfolk Island Plan 2002 Clause 10 (2) (a), (c) and (d).
Control 38. Comply generally with policies set out in Norfolk Island Plan 2002 for Rural Zone development that relate to: <ul style="list-style-type: none"> a) Maximum height of buildings (9 metres, unless requirement for a taller structure can be

Objective/Control	
	<p>demonstrated as necessary due to operational, topographical or other reason)</p> <ul style="list-style-type: none"> b) Setback from boundaries (minimum 10 metres from front boundary and 3.6 metres from other boundaries) c) Building projection (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). <p>Setback requirements may be altered for development that is permissible (with consent) depending on the property's individual characteristics such as size, shape, contours and position of existing buildings based on the site analysis (refer to Section 2.3).</p>
Control 39.	<p>Habitable buildings should incorporate environmentally sustainable design principles including:</p> <ul style="list-style-type: none"> a) Passive solar design b) Thermal performance c) Low impact on energy, water and material resources
Control 40.	<p>Small scale buildings may be constructed in Precinct E and should not impact on key views and vistas identified within KAVHA site or relevant Precincts and:</p> <ul style="list-style-type: none"> a) Use shall be limited to residential, agricultural and tourist facilities. b) Development shall be screened by appropriate plantings.
Control 41.	Development or use shall not remove the QE II lookout as a lookout and recreation area
Control 42.	Development shall consider the removal of identified intrusive structures.
Control 43.	Development shall include methods to stabilise soil and reduce erosion. The implementation should address existing erosion as well as the potential erosion arising from the proposed development or use.

4.6 Precinct F - Swamp (known as Kingston Common)

4.6.1 Background

The area extends from south of Arthur's Vale to boundary of Government House.

Key items in Precinct: Mill & Country Road (F1–2), Watermill/Swamp Creek & Serpentine (F3), Drainage channels (F4–6), Civil Officer's gardens/huts (vestiges) (F7), Pier Street, bridge and causeway (F8), Pitcairn Street (F9), Agricultural Sheds (site) (F10), War Memorial (F11), Hut & Quarters (sites) (F12–16), Landscape items (F17–20), Parterre (site) & sports field (F21–22), Former Farming Area (F23) and Memorial Planting to Quality Row (F24).

The channel was cut to drain the swamp, and a road (now Pier Street) was made across it by 1796. By 1839 two more roads and several stone bridges were constructed which are still used today. In the mid-1830s a public parterre was formed and the watercourse was curved, forming a serpentine channel which was subsequently filled in. The stone and concrete-lined open drain was built in 1938–1942. The road network was formed prior to 1856 and there are many stone retaining walls, kerbs, culverts and drains. In the early twentieth century, roads were topped with coral rock (later bitumen) and sealed with grass verges. Longridge Road was abandoned due to erosion by 1856, as was Mill Road. Foundations remain of lower ranking officers' quarters built in the swamp, including a row or terrace and a police hut.

A sports field was formed c1840 for cricket, football and other games. The vaulted drain under the sports field was rebuilt after it collapsed in recent years; it ends near the Bounty Street Bridge. The War Memorial, opened on ANZAC Day 1929, is white painted masonry on a stepped plinth. Plaques were added after World War II (Godden Mackay Logan Pty Ltd, 2016:37).

being permissible with consent, there are some activities that are unlikely to be acceptable within Precinct F, based on the heritage significance of the site, the existing structures and uses. A proponent should seek a meeting with the KAVHA Heritage Manager to determine whether their proposal may be acceptable from a heritage perspective and whether and a referral under the EPBC Act (refer to Section 2.8) may be necessary.

Table 11 Precinct F Permissible Use or Development (Conservation Zone)

Permissible (with consent)	Prohibited
Column 1	Column 2
Earthworks Food Premises Forestry National Park Open Space Park Public Works - Minor Road Subdivision – Minor Subdivision – Major Wharf	Use or development other than use or development specified in Column 1

Table 12 Precinct F Permissible Use or Development - Open Space Zone

Permissible (with consent)	Prohibited
Column 3	Column 2
Agriculture Car Park Club Earthworks Forestry Food Premises National Park Open Space Outdoor Sport and Recreation Facility Park Public Works – Minor Public Works – Major Road Subdivision – Minor Subdivision – Major Tourist Facility Wharf	Use or development other than use or development specified in Column 1

4.6.5 Controls

Objective/Control
4.6.5.1 Objectives
Objective 26. To conserve and protect the elements that contribute to the heritage significance of the Swamp Precinct.
Objective 27. To preserve the open grazed character of the Swamp Precinct including pre-settlement hydrology, creeks, swamps and waterways.
Objective 28. To protect heritage elements archaeological elements that are fragile and susceptible to impact from visitors to the site.
Objective 29. To improve visitor access and amenities.
Objective 30. To avoid adverse visual and physical impacts from vehicles.
4.6.5.2 Controls
Control 44. Development or use must not negatively impact on surrounding prominent hills, cliffs and

Objective/Control	
	trees as a backdrop for the Swamp Precinct.
Control 45.	Development shall not negatively impact on significant views from War Memorial.
Control 46.	Development or use shall conserve and maintain the Swamp Precinct and associated elements that contribute to the Precinct's heritage significance including: <ul style="list-style-type: none"> a) Remnant sections of pre-settlement hydrology, b) Creeks, c) Swamps, and d) Waterways
Control 47.	Development shall prioritise conservation and protection of heritage elements and archaeological features that are fragile, unstable and susceptible to visitor impact.
Control 48.	Permit low impact activities such as sports and recreation within Precinct. Activities shall have no adverse impact on archaeology or heritage elements.

4.7 Precinct G - Prisoners' Compounds

4.7.1 Background

Key items in Precinct: Sites various (G1–3), New Gaol (vestiges) (G4), Prisoners' Barracks complex (G5), Hospital (I) (G6), Lumber and Mess Yard (G7), Changing Shed (G8), Bounty Street (G9)

The buildings of the convict establishment are not intact and were not used after 1856. Building materials were salvaged for other projects on the Island, including construction of the Saint Barnabas Chapel.

Extensive earthworks from 1836 created the level site for the New Gaol—built over the following 15 years. The compound wall survives, with an impressive entrance, and vestiges of the radial cell blocks, service buildings and gaoler's quarters, and extensive underground drainage. The compound walls of the c1829 Prisoner's Barracks survive but the large three-storey building was demolished. There is evidence in the compound wall of former attached structures. Part of the former Protestant Chapel has been reconstructed and is now part of the museum. The compound is used for the Anniversary (Bounty) Day picnic and general community use. In the Lumberyard compound, all that survives is the large saw pit and the base of the north and south walls. Evidence of the layout and other structures is likely to survive underground. The modern change shed is in the area of the former Mess Yard (Godden Mackay Logan Pty Ltd, 2016:37).

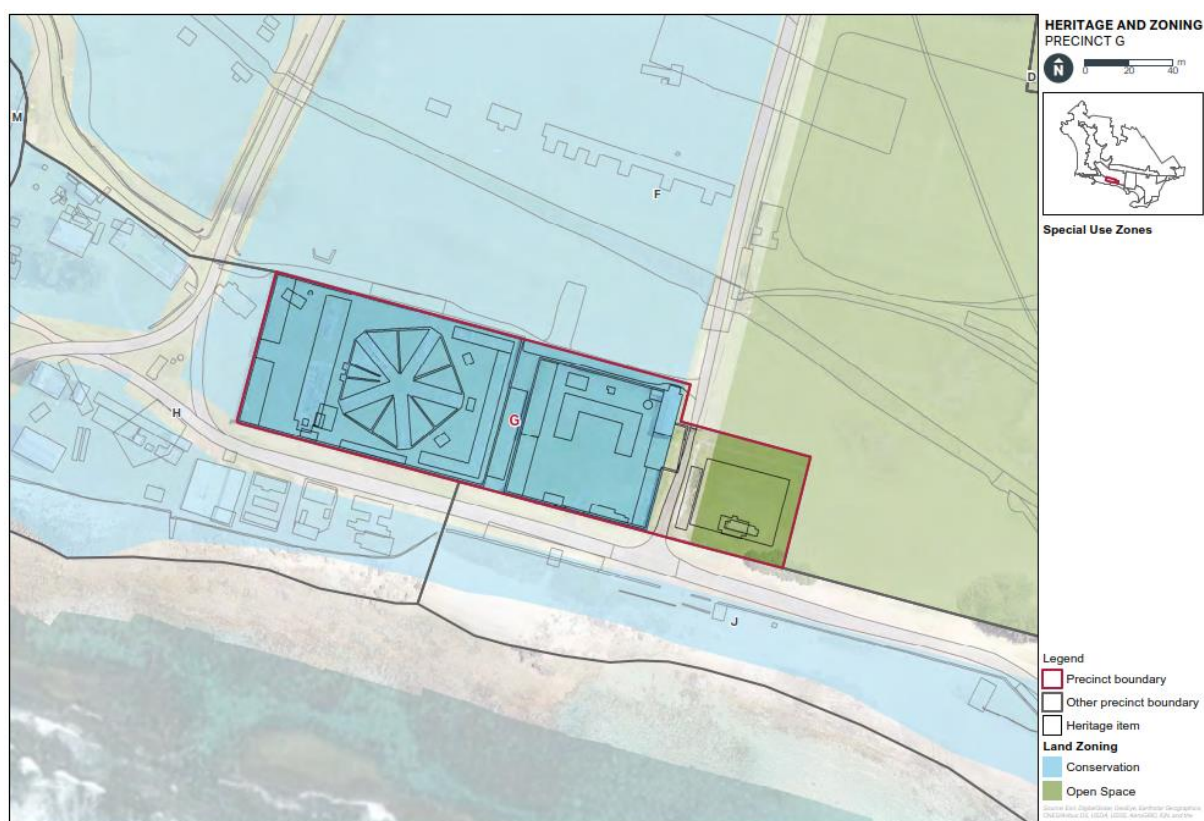


Figure 32 Precinct G showing land use zoning and location of key items



Figure 33 View of New Gaol showing perimeter wall



Figure 34 View of New Gaol showing ruins



Figure 35 View of Prisoner's barrack complex showing Sirius Museum building and amenities structure



Figure 36 View of Changing shed showing ruins along Bounty Street

4.7.2 Distinctive Characteristics

- Forbidding character with formally planned structures, perimeter walls and footings of cells planned in a radial hexagonal form
- Standing ruins

4.7.3 Historical Importance

The Prisoner's Compound Precinct has historical significance as evidence of the severity of punishment during the Second Settlement (1825-1855) aimed to create fear, prevent crime and re-offending.

4.7.4 Land Use

The land within Precinct G is zoned Conservation and Open Space. Table 13 and Table 14 outline the use or developments permissible within these zones under the *Norfolk Island Plan 2002*. Despite being permissible with consent, there are some activities that are unlikely to be acceptable within Precinct G, based on the heritage significance of the site, the existing structures and uses. A proponent should seek a meeting with the KAVHA Heritage Manager to determine whether their proposal may be acceptable from a heritage perspective and whether and a referral under the EPBC Act (refer to Section 2.8) may be necessary.

Table 13 Precinct G Permissible Use or Development - Conservation Zone

Permissible (with consent)	Prohibited
Column 1	Column 2
Earthworks Food Premises Forestry National Park Open Space Park Public Works - Minor Road Subdivision – Minor Subdivision – Major Wharf	Use or development other than use or development specified in Column 1

Table 14 Precinct G Permissible Use or Development - Open Space Zone

Permissible (with consent)	Prohibited
Column 3	Column 2
Agriculture Car Park Club Earthworks Forestry Food Premises National Park Open Space Outdoor Sport and Recreation Facility Park Public Works – Minor Public Works – Major Road Subdivision – Minor Subdivision – Major Tourist Facility Wharf	Use or development other than use or development specified in Column 1

4.7.5 Controls

Objective/Control	
4.7.5.1 Objectives	
Objective 31.	To conserve and protect the elements that contribute to the heritage significance of the Prisoner's Compound Precinct.
Objective 32.	To protect heritage elements archaeological elements that are fragile and susceptible to impact from visitors to the site.
Objective 33.	To improve visitor access and amenities.
Objective 34.	To avoid adverse visual and physical impacts from vehicles
4.7.5.2 Controls	
Control 49.	Development shall conserve and maintain the Prisoner's Compound and associated elements that contribute to the Precinct's heritage significance.
Control 50.	Development shall prioritise conservation and protection of heritage elements and archaeological features that are fragile, unstable and susceptible to visitor impact.
Control 51.	No new permanent structures shall be placed within the existing perimeter walls of the compounds unless supported by a HMP or Interpretation Plan. Temporary structures for events may be permissible under the Public Reserves Act 1997 (NI).
Control 52.	Development shall consider removal of identified intrusive elements.
Control 53.	Permanent anchor point fixings may be established within the Prisoners Compound for major events provided that archaeological assessment and monitoring has been satisfactorily undertaken.

4.8 Precinct H - Landing Place Ridge (known as Kingston Pier)

4.8.1 Background

Key items in Precinct: Surgeon's Quarters, First Government (H1) House (site), Quarters (site) (H2–5), Civil Hospital II (vestiges) & III (site) (H6–7), Quarters (sites) (H8–16), Boat Shed (site) (H16), Landing Place and Slipway (site) (H17), Kingston Pier (H18), Sea Wall—Western Section (H19), Stockade, Flagstaff (sites) (H20–22), Pier Store (H23), Settlement Guard House & Enclosure (site) (H24–5), Crankmill (vestiges) (H28), Sites various (H29), Royal Engineer's Office & Stables (H30), (Sites) & Double Boat Shed (H31–33), Single Boat Shed (H34), Flaghouses (H35), Old Gaol (site) (H36–37), Constable's Quarters (Munna's) (H38), Sites various (H39–43), Blacksmith's compound & workshops (H44) and Sites various (H45–57).

Kingston Pier (Landing Place Ridge)

After 1825 ramps were cut into the reef to land—these may be under the pier. The current ramp has been rebuilt often and its east wall is comprised of cut stones in an irregular pattern, the fill is rubble and the surface is now concrete. The restored flaghouse was to store different pennants used for signalling shipping, and the adjacent buildings were privies. The flagstaffs were on the hill to the west.

Kingston Pier

This substantial engineering structure is constructed in a gentle curve with external stonework and rubble fill. One of two sets of stone stairs remains. The pier was repaired after World War II damage and again in 2006 with modern materials, including sheet steel piles and concrete. Goods are still transferred from moored ships into small boats or lighters and brought ashore. The lighters are stored in the boat sheds.

The Seawalls

East of the pier is a stone seawall along the whole foreshore. There are attached structures including the remains of a roadway (at the east end on the seaward side) made of rubble with a hardened surface. In 1943 the wall was breached to take stores off the Ronaki shipwreck. The wall was repaired in the early 1950s and subsequently. Some repairs use stone from buildings, including dressed sills with bar holes.

Boatsheds & Workshops

The calcarenite walls of the Double Boat Shed were constructed c1841 on the First Colonial Settlement 1788–1814 remains. There were several changes in roof configuration after 1856. The timber shingle roof has now been reconstructed and additions removed. The exterior of the Single Boatshed, the former Police Office, has been restored to its 1890s configuration. The Blacksmith's compound is now used as a workshop and timber store.

The Pier Store and Crankmill

The 1825 Pier Store is a two-storey stone building which was originally designed as a Commissariat Store. Yet the building was prone to flood, so when the new store was built it was converted for milling with the installation of handmills. In 1841 it was converted to a Guardroom and the verandah was added for surveillance. The internal timber stairs and flooring are recent and today it is used as a museum. The Crankmill is a pair to the Pier Store and originally housed a human-powered mill for grinding grain. Sections of the Crankmill machinery are in the museum. In the mid-twentieth century, the Crankmill was used by a whaling company as a boatshed and boiling down works, and the wide opening in the west wall was made for boats. It was conserved and interpreted as a ruin.

The Settlement Guard House

The lower parts of the walls are thought to date from the First Colonial Settlement 1788–1814, and to have been incorporated into the single-storey guard house c1826. The building was a guard house until 1841 and later altered to be a boatshed. It was reconstructed in 1977–1979 and is now used by the museum.

Hospital and Surgeon's Quarters

Built for civil officers, these quarters are one of two prefabricated timber buildings sent from Sydney c1827. Off-cuts of the dressed timber mouldings, wood shavings and casuarina shingles found under the floor are held in the archaeological collection. It was used as a residence after



Figure 38 View of Kingston Pier showing loading and unloading structures on the pier



Figure 39 View of Landing Place showing collection of heritage buildings, structure and ruins set on flat ground with steep hillside setting



Figure 40 View of Kingston Pier from Flagstaff Hill

4.8.2 Distinctive Characteristics

- Working pier and wharf
- Water recreation activities
- Stone sea wall
- Collection of heritage buildings, structures and ruins set on flat ground
- Mixture of alignments in building and structures
- Steep hillside backdrop

4.8.3 Historical Importance

Landing Place is the focal point of KAVHA as the place of first and subsequent landings of historic significance. The layers of each settlement period are particularly evident at this Precinct. The site was the location of the first Government House and contains major structures from the second settlement such as the Crankmill and Hospital. The Precinct is also significant for its social values for its continued function as a working pier and fishing activity.

4.8.4 Land use

The land within Precinct H is zoned Conservation. Table 15 outline the use or developments permissible within this zone under the *Norfolk Island Plan 2002*. Despite being permissible with consent, there are some activities that are unlikely to be acceptable within Precinct H, based on the heritage significance of the site, the existing structures and uses. A proponent should seek a meeting

with the KAVHA Heritage Manager to determine whether their proposal may be acceptable from a heritage perspective and whether a referral under the EPBC Act (refer to Section 2.8) may be necessary.

Table 15 Precinct H Permissible Use or Development- (Conservation Space Zone)

Permissible (with consent)	Prohibited
Column 1	Column 2
Earthworks Food Premises Forestry National Park Open Space Park Public Works - Minor Road Subdivision – minor Subdivision – Major Wharf	Use or development other than use or development specified in Column 1

4.8.5 Controls

Objective/Control
4.8.5.1 Objectives
Objective 35. To preserve the contributing landscape elements that form a backdrop for the Landing Place Precinct.
Objective 36. To conserve and protect the elements that contribute to the heritage significance of the Landing Place Precinct.
Objective 37. To protect heritage elements archaeological elements that are fragile and susceptible to impact from visitors to the site.
Objective 38. To improve visitor access and amenities.
Objective 39. Encourage opportunities for a very limited range of low impact use or development.
Objective 40. Ensure that cliffs and foreshore stability in the coastal protection of the zone is maintained.
Objective 41. To promote activities that relate to Kingston Pier as a working pier that also encourages traditional and local skills.
Objective 42. To avoid adverse visual and physical impacts from vehicles
4.8.5.2 Controls
Development shall reserve significant views (360 degree) from Kingston Pier identified in
Control 54. Figure 5.
Control 55. Development shall preserve surrounding prominent hills, cliffs and trees as a backdrop and screen for Kingston Pier and Kingston.
Control 56. Proposed development should not break the skyline.
Control 57. Development shall conserve and maintain the Landing Place and associated elements that contribute to the Precinct's heritage significance.
Control 58. Development shall conserve and protect the historic spatial layout of the Landing Place.
Control 59. Development shall prioritise conservation and protection of heritage elements and archaeological features that are fragile, unstable and susceptible to visitor impact.
Control 60. No new buildings and structures shall be proposed within the Precinct without undertaking the following measures: <ul style="list-style-type: none"> a) Ensure that existing buildings are utilised to their full capacity. b) Explore methods of adaptive re-use with little or no alteration to significant fabric.

Objective/Control
c) Explore methods for temporary structures or reversible construction.
<p>Control 61. Development shall prioritise new uses and activities at Kingston Pier that:</p> <ul style="list-style-type: none"> a) involve traditional and local skills b) continued activation of the Kingston Pier c) is of small scale with no adverse impact to heritage elements.
<p>Control 62. Development shall include methods to stabilise soil and reduce erosion. The implementation should address existing erosion as well as the potential erosion arising from the proposed development or use.</p>
<p>Control 63. All proposed development within the Landing Place must:</p> <ul style="list-style-type: none"> a) resolve potential conflicts between the visitor services functions of the Landing Place and the needs of a working public through development and implementation of a precinct masterplan for the area. b) allow continued boat launch and landing functions at the jetty.

4.9 Precinct J - Beachfront (known as Slaughter Bay and Emily Bay)

4.9.1 Background

Key items in Precinct: Sea Wall—Eastern Section (J1), Ruins, remains & landscape items (J2–11), Gentlemen's Bathing House (sites) (J12–14) and Resolution slip site, channel in reef (J13).

At Emily Bay there has been a range of bathing houses, and at one stage a Beach Master's house. In the 1920s, the ship the Resolution was built and launched in Emily Bay. Remains may exist but are unlikely as there has been sand mining in the area. Norfolk Island pines were planted c1949 to stabilise the dunes. The current road around Emily Bay was built in 1975 in the depression left by sand mining. A pontoon is moored in the bay where whale boats previously anchored and, in World War II, air sea rescue craft. There are change facilities, picnic tables and barbeques in several locations (Godden Mackay Logan Pty Ltd, 2016:39).

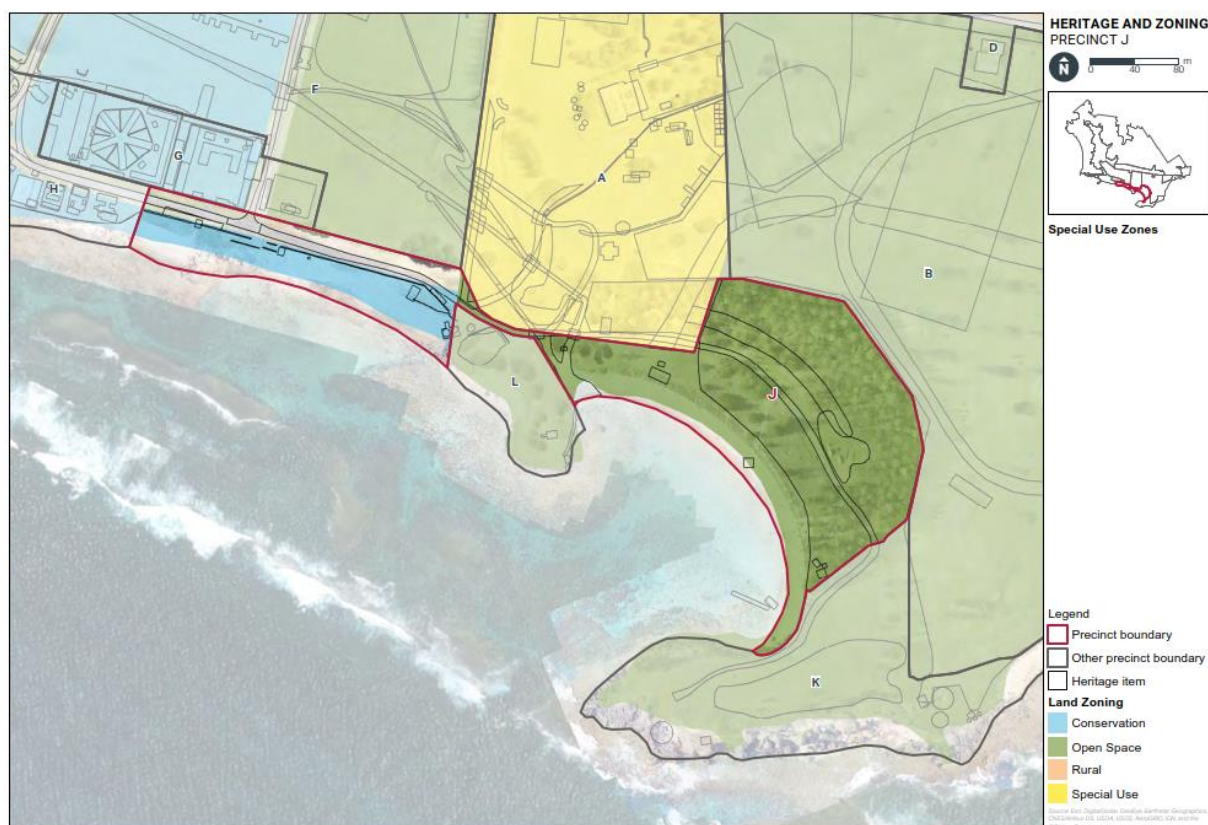


Figure 41 Precinct J showing land use zoning and location of key items



Figure 42 View of Emily Bay looking south showing sandy shallow beach



Figure 43 View of Emily Bay looking north showing undeveloped character of Bay and stand of Norfolk Island Pines as backdrop



Figure 44 View of Slaughter Bay looking west showing undeveloped character of Bay



Figure 45 Detail view of stone sea wall at Slaughter Bay

4.9.2 Distinctive Characteristics

- Shallow sandy beaches
- Stone sea wall and steps
- Undeveloped character
- Stand of Norfolk Island Pines as backdrop
- Drainage channels
- Recreational amenities

4.9.3 Historical Importance

The Beachfront Precinct has historical and social significance for its continued use as a place of recreational activities. The Sea wall evidences a major engineering work during the Penal Settlement. The site includes archaeological evidence relating to the hemp industry and sewage system of the second settlement. The site also has the potential for archaeological information relating to methods of building construction and materials during early settlements.

4.9.4 Land Use

The land within Precinct J is zoned Open Space and Conservation. Table 16 and Table 17 outline the use or developments permissible within these zones under the *Norfolk Island Plan 2002*. Despite being permissible with consent, there are some activities that are unlikely to be acceptable within Precinct J, based on the heritage significance of the site, the existing structures and uses. A proponent should seek a meeting with the KAVHA Heritage Manager to determine whether their proposal may be acceptable from a heritage perspective and whether a referral under the EPBC Act (refer to Section 2.8) may be necessary.

Table 16 Precinct J Permissible Use or Development - Open Space Zone

Permissible (with consent)	Prohibited
Column 3	Column 2
Agriculture Car Park Club Earthworks Forestry Food Premises National Park Open Space Outdoor Sport and Recreation Facility Park Public Works – Minor Public Works – Major Road Subdivision – Minor Subdivision – Major Tourist Facility Wharf	Use or development other than use or development specified in Column 1

Table 17 Precinct J Permissible Development (Conservation Space Use Zone Use or Development)

Permissible (with consent)	Prohibited
Column 1	Column 2
Earthworks Food Premises Forestry National Park Open Space Park Public Works - Minor Road Subdivision – minor Subdivision – Major Wharf	Use or development other than use or development specified in Column 1

4.9.5 Controls

Objective/Control
4.9.5.1 Objectives
Objective 43. To preserve the contributing landscape elements that form a backdrop to Emily and Slaughter Bays.
Objective 44. To conserve and protect the elements that contribute to the heritage significance of Emily and Slaughter Bays.
Objective 45. Encourage a wide range of recreational activities.
Objective 46. To improve community and visitor access and amenities.
4.9.5.2 Controls
Control 64. Development shall preserve views of the undeveloped area as a backdrop to Emily and Slaughter Bays identified in Figure 43 and Figure 44:
Control 65. Conserve and protect the Beachfront and associated elements that contribute to the Precinct's heritage significance including: <ul style="list-style-type: none"> a) Archaeological elements b) Significant trees and planting
Control 66. New development shall be: <ul style="list-style-type: none"> a) Limited to small scale structures; single storey and no more than four (4) metres in height. b) Located adjacent to existing amenities building c) Screened by plantings or other appropriate methods to minimise visual impacts to heritage elements and the Precinct.
Permit tree removal and thinning to maintain or re-establish historic views identified in
Control 67. Figure 5.
Control 68. Development should retain and protect existing plantings that act as screening elements and where the trees are not negatively impacting on archaeological features or public safety.
Control 69. Development or recreational use shall not have an adverse impact on archaeological remains. Methods to stabilise artefact deposits shall be explored if development or uses are proposed in the vicinity of areas of archaeological sensitivity.
Control 70. Development shall consider removal of identified intrusive elements
Control 71. Proposed development of the Sea Wall shall be limited to conservation and repair. Conservation shall match the original detail and generally comply with controls set out in Section 5.12.
Control 72. Proposed development shall maintain an appropriate level of water quality throughout the site for discharge to Emily and Slaughter Bay.

4.10 Precinct K - Windmill Ridge (Point Hunter)

4.10.1 Background

Key items in Precinct: Quarry (site) (K1), Windmill Complex (vestiges) (K2) and Site of the Ladies Bathing House (K3).

The solid masonry base of the 1842–1844 windmill survives and foundations of the miller's cottage. Some remains are covered with earthworks for the golf course. It was a post-mill turning on a central post with an angled timber at the back—a tail-pole—enabling it to be turned into the wind and to stabilise. A stone lined circle in the ground shows where the wheel of the tail-pole ran (Godden Mackay Logan Pty Ltd, 2016:39).





Figure 47 View of Lone Pine, cliff edge and unmarked road

4.10.3 Historical Importance

The site has historical association for the Island's oldest windmill constructed by the convict Nathaniel Lucas in 1795 and is also the site of one of the early quarries that provided stone for the construction of buildings. The extant Lone Pine predates the first Penal Settlement.

4.10.4 Land Use

The land within Precinct K is zoned Open Space. Table 18 outlines the use or developments permissible within this zone under the *Norfolk Island Plan 2002*. Despite being permissible with consent, there are some activities that are unlikely to be acceptable within Precinct K, based on the heritage significance of the site, the existing structures and uses. A proponent should seek a meeting with the KAVHA Heritage Manager to determine whether their proposal may be acceptable from a heritage perspective and whether and a referral under the EPBC Act (refer to Section 2.8) may be necessary.

Table 18 Precinct K Permissible Use or Development - Open Space Zone

Permissible (with consent)	Prohibited
Column 3	Column 2
Agriculture Car Park Club Earthworks Forestry Food Premises National Park Open Space Outdoor Sport and Recreation Facility Park Public Works – Minor Public Works – Major Road Subdivision – Minor Subdivision – Major Tourist Facility Wharf	Use or development other than use or development specified in Column 1

4.10.5 Controls

Objective/Control
4.10.5.1 Objectives
Objective 47. To preserve the contributing landscape elements that form a backdrop to Windmill Ridge (Point Hunter).
Objective 48. To conserve and protect the elements that contribute to the heritage significance of Windmill Ridge (Point Hunter).
4.10.5.2 Controls
Control 73. Development shall preserve views of the undeveloped hills as a backdrop for Windmill Ridge (Point Hunter).
Control 74. Proposed development should not break the skyline. Proposed development shall be screened by landscaping.
Control 75. Development shall conserve and protect the Windmill Ridge and associated elements that contribute to the Precinct's heritage significance including: <ul style="list-style-type: none"> a) Archaeological elements b) Significant trees and planting e.g. Lone Pine
Permit removal of plantings to re-establish or maintain significant historic views identified in
Control 76. Figure 5.
Control 77. Development or recreational use shall not have an adverse impact on archaeological remains. Methods to stabilise artefact deposits shall be explored if development or uses are proposed in the vicinity archaeology.
Control 78. Vehicular turning circles and parking areas shall be clearly demarcated with an appropriately applied road surface.
Control 79. Development shall include methods to stabilise soil and reduce erosion. The implementation should address existing erosion as well as the potential erosion arising from the proposed development or use.
Control 80. Planting of a succession Norfolk Island Pine to replace the Lone Pine is permissible.

4.11 Precinct L - Chimney Hill

4.11.1 Background

Key items in Precinct: Lime Shed (site) & Lime Kilns (L1–5), Salt House & Salt Tanks (L5–6), Chimney Hill Quarry (L7) and Landscape items including stone walls.

One complete kiln remains, built into the quarry face; and the remains of two others, largely eroded by the sea. The surviving kiln was used occasionally until World War II. There are archaeological remains of a police hut, later occupied as a dwelling, and there may be remains of the 1840s stonecutters yard and a shingle shed. Two evaporation tanks for salt production are cut into the calcarenite on the foreshore. The stone walls and the massive square stone chimney of the salt house are on the point (Godden Mackay Logan Pty Ltd, 2016:40).



Figure 48 Precinct L showing land use zoning and location of key items



Figure 49 View of picnic area, Lime quarry and open bluff extending to ocean



Figure 50 View of Lime Kiln



Figure 51 View of Lime Kiln and grotto like remains



Figure 52 View of Salt house sitting prominently on the bluff

4.11.2 Distinctive Characteristics

- Open bluff, extending out into the ocean
- Defines the western extent of Emily Bay, with views of the Bay in its entirety
- Ruins of Salt House sitting prominently on the bluff
- Grotto-like remains of the Lime Kilns

4.11.3 Historical Importance

Chimney Hill retains visible, interpretable remains relating to the industrial enterprises undertaken within KAVHA that are not readily apparent elsewhere in KAVHA.

4.11.4 Land Use

The land within Precinct L is zoned Open Space. Table 19 outlines the use or developments permissible within this zone under the *Norfolk Island Plan 2002*. Despite being permissible with consent, there are some activities that are unlikely to be acceptable within Precinct L, based on the heritage significance of the site, the existing structures and uses. A proponent should seek a meeting with the KAVHA Heritage Manager to determine whether their proposal may be acceptable from a heritage perspective and whether and a referral under the EPBC Act (refer to Section 2.8) may be necessary.

Table 19 Precinct L Permissible Use or Development - Open Space Zone

Permissible (with consent)	Prohibited
Column 3	Column 2
Agriculture Car Park Club Earthworks Forestry Food Premises National Park Open Space Outdoor Sport and Recreation Facility Park Public Works – Minor Public Works – Major Road Subdivision – Minor Subdivision – Major Tourist Facility Wharf	Use or development other than use or development specified in Column 1

4.11.5 Controls

Objective/Control
4.11.5.1 Objectives
Objective 49. To preserve the contributing landscape elements that form a backdrop for Chimney Hill.
Objective 50. To conserve and protect the elements that contribute to the heritage significance of Chimney Hill.
4.11.5.2 Controls
Control 81. Development shall preserve views of the undeveloped hills as a backdrop for Chimney Hill.
Control 82. Development shall conserve and protect the Chimney Hill and associated elements that contribute to the Precinct's heritage significance including: <ul style="list-style-type: none"> a) Open bluff, extending into ocean, and b) Ruins
Tree removal to maintain or re-establish historic views identified in
Control 83. Figure 5 or to ensure public safety is permissible.
Control 84. Parking areas and walking tracks shall be clearly demarcated with an appropriately applied road surface.

4.12 Precinct M - Arthur's Vale / Watermill Valley

4.12.1 Background

Key items in Precinct: Ruins (M1-9), landscape items, house, Mill Pond Complex & ruins (M10-14), Ruins Cottage (vestiges) (M15-25), Original & New Watercourse (M26-27), Ruins & landscape items (M28-37), Field Boundaries (site) (M38), Ticket of Leave Hut and Memorial Plantings.

The new watermill was built in 1828. The millpond and ruins of the two-storey mill, and races and footings of outbuildings survive. The original head race remains but the inlet is sealed. Water now flows out of the dam into the original stream bed. There are substantial remains of a basalt agricultural building. The masonry walls survive of two huts that may be c1840 ticket of leave men's huts, or may predate this. They have been roofed to protect the walls. Other building platforms and chimney breasts survive, as well as vestiges of barns and cottages. One hundred pines were planted in 1974 along Country Road to commemorate Aunt Jemima Robinson's 100 years. There are several modern houses in the valley and on surrounding ridges (Godden Mackay Logan Pty Ltd, 2016:40).

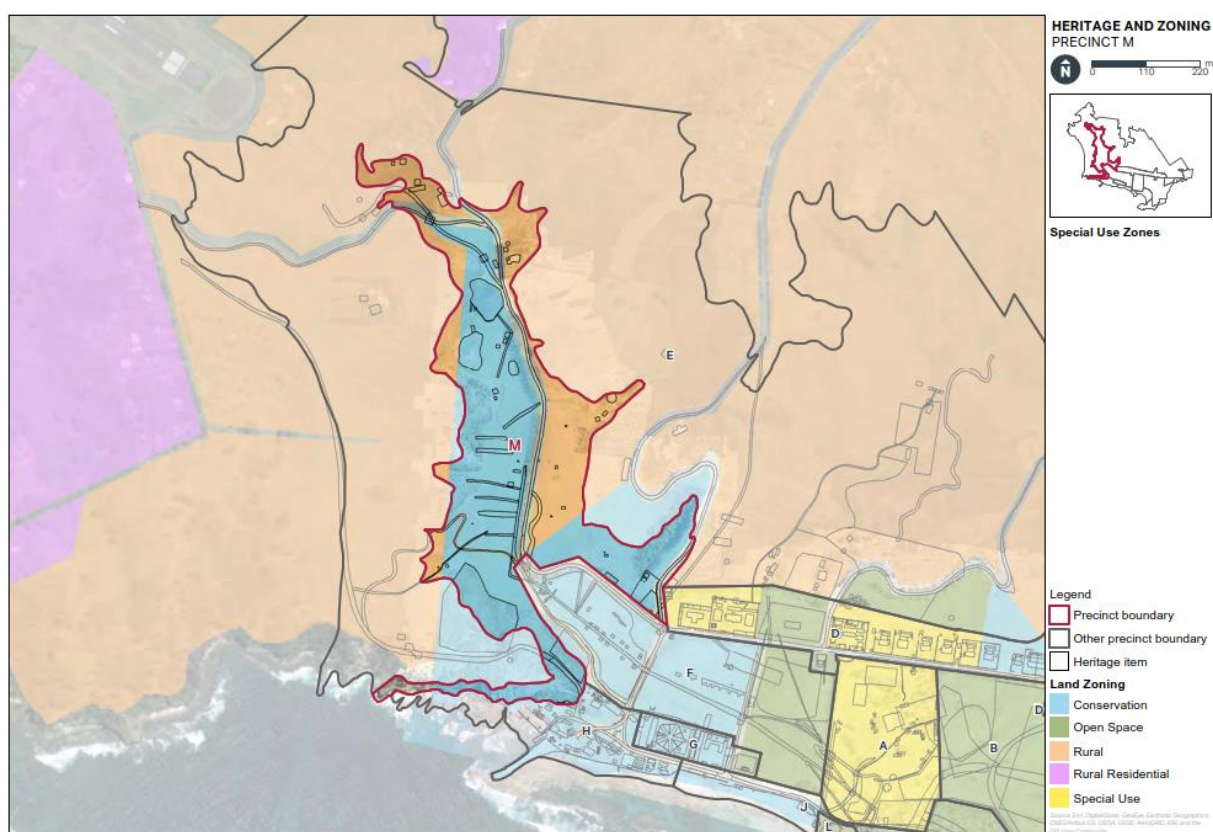


Figure 53 Precinct M showing land use zoning and location of key items



Figure 54 View of Arthur's Vale looking south showing creek lines



Figure 55 View of Arthur's Vale looking south west showing rolling hills, desolate character and skyline (orange) defined by plantings



Figure 56 View of Watermill Valley showing agricultural setting



Figure 57 View of Mill Pond at Watermill Valley showing rural character



Figure 58 View of Watermill Valley showing ruins in the landscape



Figure 59 View of Watermill Valley showing small scale residential buildings

4.12.2 Distinctive Characteristics

- Desolate character
- Cleared rolling hills and agricultural setting
- Creek
- Dam and watermill ruins at the northern head of the valley
- Ruins dotting landscape
- Contained and defined views along the path of the valley

4.12.3 Historical Importance

Arthur's Vale and Watermill Valley are significant as the area in which cropping and other agricultural activities were concentrated during the First and Second Settlement. The interpretation of cropping and agricultural activities could be sensitively interpreted for the public.

4.12.4 Land Use

The land within Precinct M is zoned Conservation and Rural. Table 20 and Table 21 outline the use or developments permissible within these zones under the *Norfolk Island Plan 2002*. Despite being permissible with consent, there are some activities that are unlikely to be acceptable within Precinct M, based on the heritage significance of the site, the existing structures and uses. A proponent should seek a meeting with the KAVHA Heritage Manager to determine whether their proposal may be acceptable from a heritage perspective and whether and a referral under the EPBC Act (refer to Section 2.8) may be necessary.

Table 20 Precinct M Permissible Use or Development - Conservation Zone

Permissible (with consent)	Prohibited
Column 1	Column 2
Earthworks Food Premises Forestry National Park Open Space Park Public Works - Minor Road Subdivision – Minor Subdivision – Major Wharf	Use or development other than use or development specified in Column 1

Table 21 Precinct M Permissible Use or Development - Rural Zone

Permissible (with consent)	Prohibited
Column 1	Column 2
Agriculture Child-care centre Club Earthworks Educational facility Food premises Garden centre Indoor Sport and Recreation Facility Forestry Home industry Home occupation Industry – Extractive Industry – General Industry – Light Industry – Rural Intensive Animal Husbandry Licenced Club Open space Outdoor Sport and Recreation Facility Park Place of Assembly Place of Public Worship Public Building Public works – Minor Public Works – Major Residence – dwelling house Residence – Accommodation Units (low density) Residence – Dual Occupancy Residence – Residential Care Facility Subdivision – Minor Subdivision – Major Tourist Facility Veterinary Establishment Wharf	Use or development other than use or development specified in Column 1

4.12.5 Controls

Objective/Control
4.12.5.1 Objectives
Objective 51. To preserve the contributing landscape elements that form a backdrop for Arthur's Vale and Watermill Valley.
Objective 52. To conserve and protect the elements that contribute to the heritage significance of Arthur's Vale and Watermill Valley.
Objective 53. To promote activities associated with agriculture.
Objective 54. To conserve the established drainage patterns of the KAVHA site.
4.12.5.2 Controls
Development shall preserve significant views (360 degree) from Arthur's Vale and Watermill Valley identified in
Control 85. Figure 5.
Control 86. Development shall conserve and protect Arthur's Vale and Watermill Valley and associated elements that contribute to the Precinct's heritage significance including: <ul style="list-style-type: none"> a) Open slopes with planting to the ridgeline

Objective/Control	
	<ul style="list-style-type: none"> b) Prominent hillsides c) Agricultural character (dotted small scale buildings) d) Ruins in the landscape
Control 87.	Proposed development should not break the skyline.
Control 88.	<p>Small scale buildings may be constructed in limited areas of Precinct M and should not impact on key views and vistas identified within KAVHA site or relevant Precincts and:</p> <ul style="list-style-type: none"> a) Use shall be limited to residential, agricultural and tourist facilities. b) Development shall be screened by appropriate plantings where necessary.
Control 89.	Development shall include methods to stabilise soil and reduce erosion. The implementation should address existing erosion as well as the potential erosion arising from the proposed development or use.
Control 90.	Development proposals to introduce agricultural crops within Watermill Valley are permitted. Plantings shall be based on historical and/or archaeological evidence with no adverse impact on heritage significance or the environment.
Control 91.	Development shall allow the continued traditional agricultural use of Watermill Valley, including the use of the dam.
Control 92.	Proposed development shall maintain an appropriate level of water quality.

4.13 Precinct N - Bloody Bridge

4.13.1 Background

Key items in Precinct: Bloody Bridge (N1A), Balls Bay Road, Causeway, field boundaries and garden (north east of Bloody Bridge - likely to be associated with ticket-of-leave hut).

Precinct N is located in the south eastern corner of the site, covering Bloody Bridge and extending west along Balls Bay Road (Driver Christian Road) to Quality Row. Bloody bridge is one of three main drainage catchment areas draining into Cemetery Bay.

This stone bridge was constructed on the road to Ball's Bay in the mid-1830s. A section of the stone wall collapsed c1910 and was not reconstructed in the same alignment. The road over the bridge was sealed c1960. The Pitcairners conducted tours for visitors and there are early photos of tour vehicles on the bridge. Place names—in particular Bloody Bridge, Quality Row and Gallows Gate—appear to date from this period (Godden Mackay Logan Pty Ltd, 2016:40).

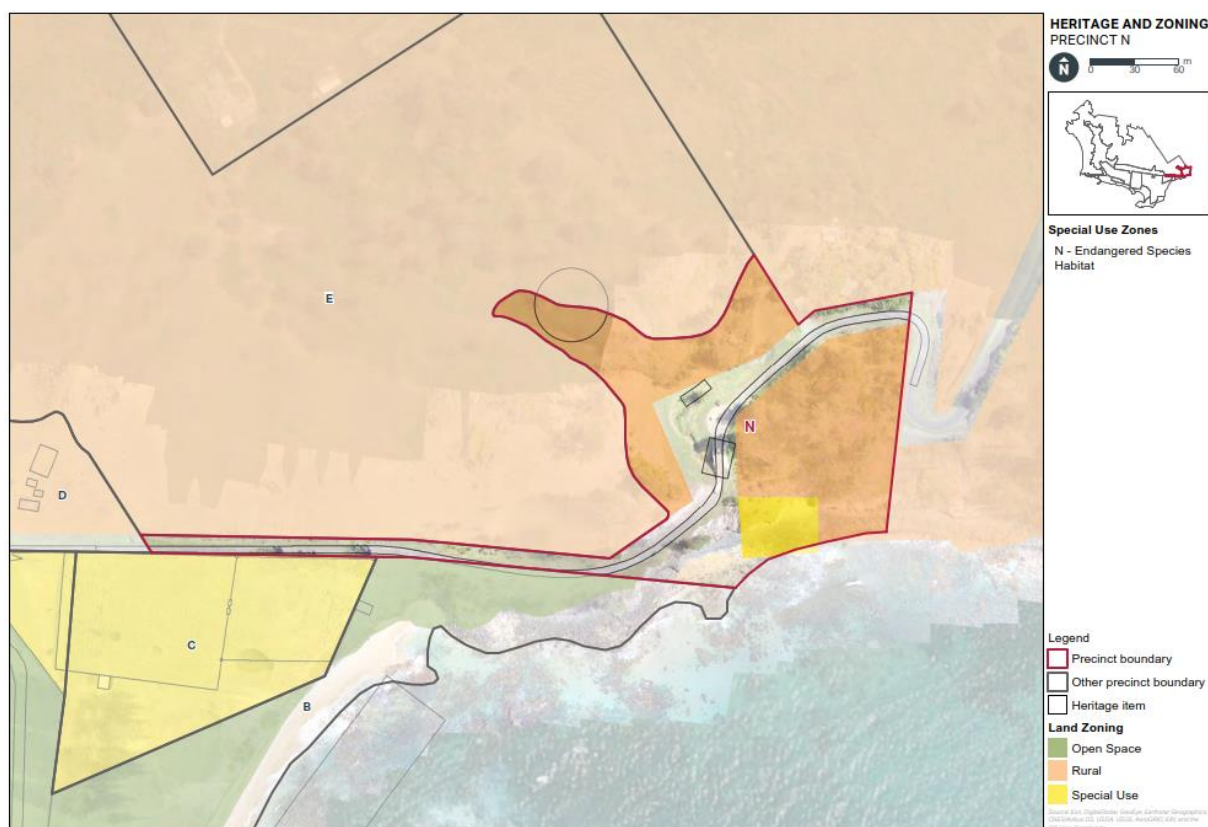


Figure 60 Precinct N showing land use zoning and location of key items



Figure 61 View of Bloody Bridge looking west showing drainage to Cemetery Bay



Figure 62 View of Bloody Bridge looking south showing lookout to ocean



Figure 63 View of backdrop and screening for Bloody Bridge and skyline



Figure 64 View of Bloody Bridge looking north showing area steep slopes

4.13.2 Distinctive Characteristics

- Stone bridge located within tight valley floor
- Steep slopes
- Views opening out to ocean and Philip and Nepean Islands
- Drainage lines

4.13.3 Historical Importance

Bloody Bridge was one of the larger civil infrastructure projects completed during the Second Settlement that is interpretable. The bridge also has social significance to the Norfolk Island community.

4.13.4 Land Use

The land within Precinct N is zoned Special Use (Endangered species habitat) and Rural. Table 22 and Table 23 outline the use or developments permissible within these zones under the *Norfolk Island Plan 2002*. Despite being permissible with consent, there are some activities that are unlikely to be acceptable within Precinct N, based on the heritage significance of the site, the existing structures, uses and site limitations. A proponent should seek a meeting with the KAVHA Heritage Manager to determine whether their proposal may be acceptable from a heritage perspective and whether and a referral under the EPBC Act (refer to Section 2.8) may be necessary.

Table 22 Precinct N Permissible Use or Development (Special Use Zone)

Permissible (with consent)	Prohibited
Column 1	Column 2
Child care centre Earthworks Educational Establishment Hospital Indoor sport and recreation Place of Assembly Public Building Public works – minor Public Works – major Residence – Residential Care Establishment Subdivision – Minor Subdivision – Major Wharf OR the use or development identified on the Zoning Map in the <i>Norfolk Island Plan 2002</i>	Use or development other than use or development specified in Column 1

Table 23 Precinct N Permissible Use or Development - Rural Zone

Permissible (with consent)	Prohibited
Column 1	Column 2
Agriculture Child-care centre Club Earthworks Educational facility Food premises Garden centre Indoor Sport and Recreation Facility Forestry Home industry Home occupation Industry – Extractive Industry – General Industry – Light Industry – Rural Intensive Animal Husbandry Licenced Club Open space Outdoor Sport and Recreation Facility Park Place of Assembly Place of Public Worship Public Building Public works – Minor Public Works – Major Residence – dwelling house Residence – Accommodation Units (low density) Residence – Dual Occupancy Residence – Residential Care Facility Subdivision – Minor Subdivision – Major Tourist Facility Veterinary Establishment Wharf	Use or development other than use or development specified in Column 1

4.13.5 Controls

Objective/Control	
4.13.5.1 Objectives	
Objective 55.	To preserve the contributing landscape elements that form a backdrop for Bloody Bridge.
Objective 56.	To conserve and protect the elements that contribute to the heritage significance of Bloody Bridge.
Objective 57.	To improve visitor access and amenities.
Objective 58.	To conserve the established drainage patterns of the KAVHA site.
4.13.5.2 Controls	
Development shall preserve significant views (360 degree) from Bloody Bridge identified in	
Control 93.	Figure 5.
Control 94.	Development shall reserve surrounding prominent hills, cliffs and trees as a backdrop and screen for Bloody Bridge
Control 95.	Development shall conserve and maintain Bloody Bridge and associated elements that contribute to the Precinct's heritage significance.
Control 96.	Proposed development shall not break the skyline identified in.
Control 97.	Development shall retain lookout area for viewing and recreation.
Control 98.	Small scale buildings may be constructed in limited areas of Precinct N and should not impact on key views and vistas identified within KAVHA site or relevant Precincts and: <ul style="list-style-type: none"> a) Use shall be limited to residential, agricultural and tourist facilities. b) Development shall be screened by appropriate plantings.
Control 99.	Parking areas shall be subtly demarcated with required and appropriate applied road surfaces and fencing. Parking areas shall be designed with minimal visual intrusion to heritage elements.
Control 100.	Development shall include methods to stabilise soil and reduce erosion. The implementation should address existing erosion as well as the potential erosion arising from the proposed development or use.
Control 101.	Development shall maintain historic drainage lines to Cemetery Bay.

5.0 Heritage Elements

5.1 Background

This section of the DCP relates to heritage elements that are listed in the table of heritage elements available from the KAVHA Heritage Manager. If a proposal does not relate to a heritage element, this section does not apply to the proposal. Please refer to the relevant Precinct in Section 4.0 and Section 6.0 and 7.0 as relevant.

5.2 Conservation Principles

Conservation principles are overarching and shall be applied to all heritage elements and archaeology.

Objective/Control	
5.2.1	Objectives
Objective 59. Alterations to heritage buildings and sites should follow the principles set out in The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013 including:	
a) Doing as much as is necessary and as little as possible	
b) Proposed alterations should be based on an understanding of the cultural significance of the place.	
Objective 60. To ensure that heritage elements are protected and recorded	
Objective 61. To ensure that new development is compatible with the significance of the heritage item.	
5.2.2	Controls
Control 102. The Minister or their delegate shall not grant consent to Development Applications unless an assessment of the impact of the proposal on the heritage significance of the element and KAVHA as a whole including the historic, aesthetic, scientific, and social significance has been considered within a Heritage Impact Statement. The Heritage Impact Statement shall meet the requirements set out in Section 2.6.	
Control 103. The Minister or their delegate may request the submission of a Conservation Management Plan to assist in the assessment of the development application. The Conservation Management Plan shall meet the requirements set out in Section 2.5.	
Control 104. Where relevant, proposed development or uses are to be consistent with a Conservation Management Plan.	
Control 105. Development Applications for development at or use of heritage elements shall meet the objectives and controls set out in its related precinct.	
Control 106. An archival recording that meets the guidelines <i>How to Prepare Archival Records of Heritage Items</i> (NSW Heritage Office, 1998) and <i>Photographic Recording of Heritage Items Using Film or Digital Capture</i> (NSW Heritage Office, 2006) should be undertaken prior to major development or conservation to a heritage item.	

5.3 Setting and Location

The 'setting' means the immediate and extended environment of a place that is part of or contributes to its cultural significance and distinctive character. This may include the visual catchment of a heritage item and encompass topography, plantings, fencing, kerbs or location of the heritage item and its relationship to other buildings and structures.

Objective/Control	
5.3.1	Objectives
Objective 62. Protect and maintain the visual setting of heritage elements including elements within its landscape	
Objective 63. Ensure proposed changes are sympathetic to the heritage significance of the item	
Objective 64. Avoid changes that would adversely affect the setting of the heritage item.	

Objective/Control	
5.3.2	Controls
Control 107. Development shall retain key views and vistas, including precinct views, streetscape views, from and within heritage elements. Development should consider the re-establishment of views, if applicable.	
Control 108. Development shall retain related items within their setting by maintaining: <ul style="list-style-type: none"> a) functional relationships between items and related items b) natural characteristics, such as landforms; landmark qualities c) significant characteristics such as similarities and consistencies. 	
Control 109. Development must maintain an adequate curtilage around heritage elements, including landscaping, fencing and significant trees.	
Control 110. Development must avoid relocation of items unless the heritage item was designed to be readily movable or has a history of relocation.	

5.4 Building style and character

Building style and character are significant elements that contribute to the heritage value of the item.

Objective/Control	
5.4.1	Objectives
Objective 65. To ensure that the building's significant characteristics are protected and conserved.	
5.4.2	Controls
Control 111. Protect and conserve architectural features that contribute to the heritage significance of the heritage item.	
Control 112. Existing orientation and groupings of buildings shall be retained.	
Control 113. Style and character of new work should be sympathetic to the original building or structure and not dominate or detract from the heritage item's style and character.	

5.5 Alterations and additions

Typically front street elevations are likely to be the principal elevations of the building and can inform the building's age, style, scale and method of construction. Generally, rear and side elevations can provide details of additions and alterations that have occurred to a building.

Objective/Control	
5.5.1 Objectives	
Objective 66.	To conserve and protect the integrity of contributory elevations and retain the dominance of principal elevations within streetscapes.
Objective 67.	Alterations and additions should be sympathetic and be recognisable as new work so as not to confuse or distort our understanding between the 'new' and the 'old'.
5.5.2 Controls	
Control 114.	Generally, locate alterations and additions within the existing envelope of the building. Where alterations and additions cannot be contained internally, alterations and additions should be subservient to the original building character.
Control 115.	External alterations will need to be based on historical evidence and demonstrate the following: <ul style="list-style-type: none"> a) no impact on the heritage significance of the item b) not be visually prominent c) easily identifiable from original elements d) of reversible construction
Control 116.	Proposed new elements on the existing building shall be designed with respect to the original design concept, spatial relationships and construction methods.
Control 117.	Retain existing spatial qualities by conserving existing configurations and retaining existing openings.
Control 118.	Proposed alterations and additions shall use the opportunity to enhance or recover the heritage value of the item.
Control 119.	If a change of use leads to extensive alterations and additions to significant fabric, the proposed use should be reviewed and amended with alterations to fabric avoided.
Control 120.	If the change of use is to reinstate a traditional use, careful consideration of impacts needs to be assessed.
Control 121.	Alterations and additions should be limited to: <ul style="list-style-type: none"> a) restoring or reconstructing original facades b) removing intrusive elements c) general maintenance and repair
Control 122.	Do not construct additions forward of the front building setback unless alterations involve porches and awning with no adverse impact to the heritage item or the streetscape.
Control 123.	Alterations and additions should not mimic the design and material of original building but be recognisable as new work on close inspection.

5.6 Scale of Additions and siting

Objective/Control
5.6.1 Objectives
Objective 68. To make sure that the proposed scale of the proposed additions will not dominate the principal (original) building structure and is designed in a sympathetic form.
5.6.2 Controls
Control 124. Buildings may be altered provided that they meet the controls set out in Section 5.5.
Control 125. Locate alterations and additions to the rear of the existing buildings. Location of new structures shall not remove any vehicular access to the rear.
Control 126. Additions shall be recessed behind the sight lines, when viewed from the principal elevation.
Control 127. Proposed extensions are to be of a smaller scale to the original building or structure.
Control 128. Locate additions below the principal roof's ridgeline.
Control 129. Walls are to be of a similar or smaller scale to the principal building.
Control 130. If proposed, larger structures should be designed in a pavilion style with a transitional space linking the old and new structure.

5.7 Height of additions

Objective/Control	Guidance
5.7.1 Objectives	
Objective 69. To make sure that the proposed height of buildings does not detract from the significance of the heritage item or its setting.	
5.7.2 Controls	
Control 131. Buildings may be altered provided that they meet the controls set out in Section 5.5	
Control 132. Height of proposed additions is to be limited to single-storey only unless: <ul style="list-style-type: none"> a) Extensions are proposed to an existing two-storey building b) The extension is not visible from key views to the heritage elements 	
Control 133. Proposed height of additions does not have an adverse impact on the heritage item or its related Precinct.	

5.8 Roof form, scale and material

Objective/Control	
5.8.1 Objectives	
Objective 70.	To retain the heritage element's roof shape and proportion.
Objective 71.	To ensure that proposed roofs do not detract from the buildings' heritage character
5.8.2 Controls	
Control 134.	Buildings may be altered provided that they meet the controls set out in Section 5.5.
Control 135.	Design new roofs so that the heritage item's roof remains as the principal element.
Control 136.	Design new roofs to follow the same pitch as the existing roofs.
Control 137.	The scale of proposed roof should be smaller in size to the principal original roof.
Control 138.	Where a contemporary style of roof is proposed; these should be designed as a separate pavilion style addition.
Control 139.	Repairs to reinstate heritage materials to roofs are encouraged. Proposed materials should be supported by historic evidence such as photographs.
Control 140.	Contemporary material such as 'Kliplock' and ribbed decking should be avoided, especially if they are visible from key views and vistas.
Control 141.	Proposed skylights should not be visible from key views and vistas and should be placed within the roof plane of the building

5.9 Attics, Dormer Windows and Chimneys

Objective/Control	
5.9.1 Objectives	
Objective 72.	To allow for efficient use of spaces and allow for adaptation of interiors spaces
Objective 73.	To maintain the historic style and character of the heritage item by preserving contributory elements.
5.9.2 Controls	
Control 142.	Do not re-pitch existing roofs to incorporate attic spaces.
Control 143.	Dormer windows are not encouraged unless supported by sufficient historical evidence.
Control 144.	Original chimney should not be removed. If structurally unsound, all efforts to repair and reconstruct should be explored prior to demolition.

5.10 Window and door openings

Windows and doors contribute to the overall character of heritage elements in their scale, proportion and materials.

Objective/Control	
5.10.1 Objectives	
Objective 74.	To retain the overall character that windows and doors contribute to the heritage item and the streetscape.
5.10.2 Controls	
Control 145.	New additions shall be sympathetic to the existing pattern of windows and doors.
Control 146.	Use timber framing to proposed windows and doors. Aluminium framing shall be avoided unless contained within a contemporary addition.
Control 147.	Principal elevations must retain existing windows and doors.

5.11 Verandas and balconies

Verandas and balconies are key contributory elements in heritage elements that also contribute to the streetscape views. When considering alterations to balconies, the access and egress controls in Section 5.14 must also be considered.

Objective/Control	
5.11.1 Objectives	
Objective 75.	To ensure verandas and balconies are retained as a contributory element to the heritage item and its streetscape.
5.11.2 Controls	
Control 148.	Retain all original verandas and balconies.
Control 149.	Where sufficient historic evidence is available; verandas and balconies should be reinstated with original details. If sufficient information is not available, similar types of buildings should be researched within KAVHA as the basis for reconstruction.
Control 150.	Do not infill verandas and balconies.
Control 151.	Where verandas and balconies have been infilled or have been identified as intrusive elements, they shall be removed or reinstated to original appearance with minimal impact to heritage fabric.
Control 152.	Original details may be modified to the extent required to be compliant with Building Regulations 2004 (NI) or its successor and associated Building Code and Australian Standards. Modifications shall be designed in a manner that minimises adverse impact to significant fabric.

5.12 Materials, finishes and details

The original materials and finishes of heritage elements (commonly referred to as the building's fabric) make a significant contribution to the heritage elements special character which also contributes to the overall heritage values of its setting or streetscape. Historic fabric and their associated trades are becoming increasingly rare to source, repair and preserve. Any development that changes the roof or walls materials including rendering or painting face brickwork or stonework can adversely impact on the heritage character and heritage significance of the item.

Many of the buildings in KAVHA are constructed from locally quarried calcarenite (a type of porous limestone). Calcarenite was used as stone for walls as well as for mortar. The rubble calcarenite was burnt to produce building lime. The stone was quarried from Chimney Hill in 1792 (Condition & Conservation Report:08). Sand used in the construction of buildings was locally quarried from Emily and Cemetery Bays. Norfolk Island Pine was used abundantly for building including timber shingles.

The early Pitcairn settlers used many of the buildings and structures as a source of building materials for maintenance as well as building structures elsewhere on the Island (Godden Mackay Logan Pty Ltd, 2016:80).



Figure 65 View of calcarenite showing its porous properties



Figure 66 View of calcarenite showing inappropriate surface render

Objective/Control	
5.12.1	Objectives
Objective 76. To conserve and protect significant original fabric of heritage elements and associated traditional trades and craftsmanship.	
Objective 77. To conserve and convey the historic layering of heritage elements, structures and ruins.	
Objective 78. To preserve the authenticity and integrity of the heritage elements, structures and ruins.	
Objective 79. To ensure that materials and colours of heritage elements are consistent with the heritage significance of the item.	
Objective 80. To ensure the longevity of heritage elements by the replacement of irreparable and missing elements.	
5.12.2	Controls
Control 153. Development must retain, repair and stabilise original fabric where possible, rather than replacing with contemporary materials.	
Control 154. Development must not include painting or rendering of original materials such as face brick walls where these were designed to be exposed.	
Control 155. Development must not include the use of acrylic paint or waterproof coatings to undertake repair or conservation methods to heritage elements.	
Control 156. Proposed new materials shall be sympathetic to significant fabric and readily identifiable.	
Control 157. Repair and replacement of materials and finishes should be researched to determine original materials and finishes and executed to match original fabric, profile, textures and finishes.	
Control 158. Use traditional techniques and materials in the repair and conservation of significant fabric. Use contemporary techniques only in instances where:	
Control 159. substantial conservation benefits can be gained or	
Control 160. to satisfy a legislative requirement where no traditional technique will meet the requirement. In this instance, an exemption from the requirement should be considered.	
Control 161. Employ specialist tradespersons versed in traditional techniques and materials to undertake repair and conservation to significant fabric.	
Control 162. Proposals including work to elements that are identified as intrusive, shall remove them. Where alterations are being undertaken on adjacent elements, consideration should be given to extending the scope to remove the intrusive elements as a mitigation measure. Where inappropriate materials and finishes have been employed, these should be left to deteriorate. Removal of intrusive materials should only be executed with minimal damage to significant fabric and	

Objective/Control
where there is an evident urgency to undertake the work.
Control 163. Council may request that an archival recording be undertaken that records the heritage item prior to and following conservation works. If the proponent is not the owner of the heritage item, a copy must also be provided to the owner.
Control 164. Avoid use of contemporary materials where they are likely to damage significant fabric or have an adverse impact to the heritage significance of the item.
Control 165. Do not use highly reflective materials and finishes.
Control 166. Proposed colour schemes shall be based on the specific building type, style and paint scraping analysis.
Control 167. Submit a proposed finishes and materials palette with all Development Applications for council approval. Finishes and materials should consider paint schemes appropriate for the specific period of building or structure based on paint scraping analysis and historical evidence.
Control 168. All work to significant fabric including maintenance and repair shall be based on the recommendations provided in: <ul style="list-style-type: none"> a) Kingston & Arthur's Vale Historic area, Norfolk Island: Condition & Conservation Report. b) Materials Palette for KAVHA, 2019.

5.13 Garages and carports

Garage and carports in historic buildings were generally located to the rear of properties.

Objective/Control
5.13.1 Objectives
Objective 81. To avoid visual impacts created by the addition of garages and carports to heritage elements and the streetscape.
5.13.2 Controls
Control 169. Retain and conserve original garages and carports.
Control 170. Buildings may be altered provided that they meet the controls set out in Section 8.3.1, C2.
Control 171. Garages and carports shall not be located within existing structures except where a historically compatible use can be demonstrated.
Control 172. Garages and carports, if introduced, should be designed in a pavilion style and maintain an appropriate separation from the heritage item.
Control 173. Locate garages and carports to the rear of properties and away from streetscape views.
Control 174. Design of garages and carports shall follow the general controls set out in Section 5.0.

5.14 Access (DDA), fire upgrading and fire safety

Upgrading properties to meet legislative accessibility requirements can have a significant effect on heritage elements and their streetscape. Solutions can be achieved that have minimal impact on heritage elements and streetscapes. It is advisable that the advice of a heritage architect be sought, especially where heritage elements do not meet performance requirements of the Norfolk Island Building Code so that alternative solutions can be investigated and verified.

Objective/Control
5.14.1 Objectives
Objective 82. To ensure minimal impact on significant fabric during upgrades of buildings to meet access and fire safety.
Objective 83. To ensure equitable access.

Objective/Control
5.14.2 Controls
Control 175. Addition of access and fire upgrade elements including ramps, lifts, balustrades, railings, signage and alarms shall be designed in a manner that minimises adverse impact to significant fabric.
Control 176. Alterations and additions as part of access and fire safety upgrades shall minimise visual impact to the heritage item and streetscape views.
Control 177. Where access and fire safety upgrades can have a visual or physical impact on the heritage item or streetscape, alternative solutions shall be investigated and verified by engaging experts in fire safety and built heritage fields.
Control 178. Development or use involving upgrades to access and fire safety shall comply with the Building Regulations 2004 (NI) or its successor and associated Building Code and Australian Standards.

5.15 Lighting

Objective/Control
5.15.1 Objectives
Objective 84. To avoid ill effects to heritage elements from the installation of inappropriate lighting.
5.15.2 Controls
Control 179. Where lighting is proposed, use low-level lighting directed away from adjacent properties.
Control 180. Avoid flood lighting unless it can be demonstrated that there will be no adverse visual impact to heritage elements.
Control 181. Street lighting should be avoided or used minimally only where public safety can be demonstrated to be in jeopardy.

5.16 Change of Use (Adaptive Reuse)

The Commonwealth supports the adaptive reuse of heritage buildings (Department of the Environment and Heritage, 2004). Adaptive reuse is the modification of a building to suit a new use when the original use can no longer be supported. The *Burra Charter* provides several articles that should be used to guide the development of change of use proposals:

Table 24 Burra Charter Articles relevant to change of use and explanatory text

Article No. & Text	Explanation
Article 7.1 – “Where the use of a place is of cultural significance it should be retained.”	Within KAVHA, the ability of places to be used for their original use varies widely – the retention of Government House as a place of residence for the Administrator (or equivalent) can be easily maintained, whereas the Old and New Military Barracks are unlikely to ever be returned to military barracks. Where it is possible, the original use is the preference.
Article 7.2 – “A place should have a compatible use.”	A compatible use might be one that continues a later period of use or one that is similar in function. A compatible use may also be one that requires minimal intervention into the fabric or assists in the overall interpretation of the place or KAVHA as a whole.
Article 15.1 – “Change may be necessary to retain cultural significance, but is undesirable where it reduces cultural significance. The	Where the modifications to the building would result in significant changes to the fabric, the use is incompatible with the building and alternative

Article No. & Text	Explanation
amount of change to a place and its use should be guided by the cultural significance of the place and its appropriate interpretation.	uses or different means of achieving the end need to be explored.
Article 21.1 – “Adaptation is acceptable only where the adaptation has minimal impact on the cultural significance of the place.”	The explanatory notes indicate adaptation can include the introduction of new services, a new use. As noted above, any changes proposed must have minimal impacts to significant fabric.
Article 21.2 – “Adaptation should involve minimal change to significant fabric, achieved only after considering alternatives.”	When considering the introduction of services or modifications to facilitate a new use, the option that has the least or no impact on the fabric should be selected. Where impacts are unavoidable, impacts should be located in areas previously disturbed. For example, a proposal that required the removal of all internal walls would not respect the significance of the place as in removing the fabric, it would make it difficult to appreciate the original form and layout of the building.
Article 22.1 – “New work such as additions or other changes to the place may be acceptable where it respects and does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.”	When developing a proposal, consideration must be given to the overall significance.
Article 22.2 – “New work should be readily identifiable as such, but must respect and have minimal impact on the cultural significance of the place.”	New work should not imitate the original fabric etc.

Objective/Control	
5.16.1 Objectives	
Objective 85.	To encourage adaptive reuse of buildings.
Objective 86.	To ensure that change of use respects the significance of the place.
Objective 87.	To ensure that the impacts of the change of use on heritage elements is minimised.
5.16.2 Controls	
Control 182.	A Heritage Impact Statement will be submitted that outlines how the impacts to the item have been minimised, outline where/if the development or use return the building to an earlier known state and how the materials and techniques used in the development support the handmade individual characteristics of the building
Control 183.	Development or use that impacts on fabric should be limited to intrusive elements or areas of lesser significance. A Conservation Management Plan may be required to indicate areas of previous modification and grade the fabric. Where the proposed modifications are minor, this may be demonstrable within the Heritage Impact Statement.
Control 184.	New work necessary in the change of use should be distinguishable from original work on close inspection.
Control 185.	Solutions to fire, access and other building code requirements should be sought that allow the retention of original fabric that would otherwise not meet the 'deemed to comply' provisions of the Building Code of Australia. Compliance should be achieved using their objectives and performance requirements
Control 186.	Buildings must not be used for any purpose for which compliance with building regulations would adversely affect their significance. This policy is not intended to rule out, for example, the sympathetic installation of fire safety equipment to enable a building to be used.

5.17 Demolition and Ruins

Background: It would be a very rare circumstance in which a building within KAVHA, identified as contributing to the World, National or local heritage values would be demolished. The *Burra Charter* (2013) states that “[d]emolition of significant fabric of a place is generally not acceptable. However, in some cases minor demolition may be appropriate as part of conservation” – for example, the removal of later intrusive elements. In determining whether elements can be removed, consideration of Article 15.4 of the *Burra Charter*, which indicates that one period of use should not be emphasised or interpreted at the expense of another. Within the KAVHA context, the convict eras should not be interpreted to the exclusion of the Pitcairner period and vice versa.

Rather than demolishing a building in its entirety, it would be preferable to retain the building as a ruin. A ruin is defined as “a place that no longer serves its original function or purpose and it is unlikely to ever fulfil that role again” (Australian Heritage Council, 2013). Ruins do not have to remain ruins forever – once circumstances permit they can be returned to active use. It is therefore preferable that heritage structures remain in active use (see Section 5.16). Failing active use, it is recommended they be managed as ruins until circumstances permit them to be returned to use. In the meantime, ruins can still be used interpretatively. The Australian Heritage Council has provided guidance on the management of ruins: *Ruins: A guide to conservation and management*. Given the significance of the site across multiple levels of significance, the demolition of heritage buildings is to be actively discouraged. The controls below have been developed on this basis.

Conversely, buildings that have been identified as detracting from the heritage significance of KAVHA can be removed with minimal considerations.

Objective/Control
5.17.1 Objectives
Objective 88. To permit the removal of intrusive items
Objective 89. To restrict the removal of heritage elements
Objective 90. To protect ruins while allowing for conservation and maintenance
5.17.2 Controls
Control 187. Items identified within a heritage report as being intrusive or not contributing to the heritage significance of KAVHA may be removed. The Development Application must include a statement demonstrating that: <ul style="list-style-type: none"> a) There is unlikely to be archaeological resources in the immediate vicinity and no impacts are likely; or b) A demolition methodology that demonstrates how any known or potential archaeological resources in the immediate vicinity will be protected and/or mitigated; and c) The area is to be remediated to avoid unsightly scarring to the landscape.
Control 188. Items identified as being of heritage significance may not be removed unless: <ul style="list-style-type: none"> a) Two independent assessments from structural engineers conclude the structure cannot be repaired or stabilised; and b) The item is a safety risk and cannot be stabilised and retained as a ruin.
Control 189.
Control 190. Development or use shall ensure ruins are maintained as ruins, but stabilised to prevent further deterioration. Considerations include: <ul style="list-style-type: none"> a) Proposed development or use shall address the recommendations contained in <i>Ruins: A guide to conservation and management</i>. b) Reconstruction and restoration should be avoided unless essential for conservation of the item. c) Opportunities for interpretation shall be investigated. d) Remove areas of plantings or minor objects that do not impact on the heritage significance of the item so that the ruin can be easily interpreted are permissible.

6.0 General Provisions

6.1 Cultural Landscape

The landscape of KAVHA is an integral part of its cultural significance because of its human, historical, aesthetic, social and natural values. The natural values of the site include native vegetation highlighted by the Norfolk Island Pines, the marine environment and coastal geomorphology. The cultural landscape includes many layers of human occupation and settlement and a rich recorded history.

The objectives of the landscape controls are based on the framework established in the HMP and CLMP.

Objective/Control
6.1.1 Objectives
Objective 91. Protect the open rural character of the landscape within KAVHA
Objective 92. Conservation of the cultural and natural significance of the KAVHA site and its setting
Objective 93. Support the management of KAVHA as a World Heritage cultural landscape.
Objective 94. Support Landscape Interpretation to enhance understanding of the significance of the KAVHA landscape setting.
Objective 95. Ensure proposed changes to the KAVHA landscape are evidence based to ensure the conservation and transmission of its heritage values.
Objective 96. Significant landscape structural elements will be identified and conserved, including restoration where necessary.
Objective 97. The aesthetic values of the landscape will be identified and conserved.
Objective 98. Significant views and vistas within and beyond KAVHA will be maintained through appropriate vegetation management.
Objective 99. Significant plants and trees will be identified and conserved.
6.1.2 Controls
Control 191. Retain existing topography All proposed development within KAVHA must maintain: <ul style="list-style-type: none"> a) the natural settings, contours, amphitheatre appearance, sense of enclosure. b) the modified landforms, terracing, road layouts, reclaimed land, re-alignment of creeks, or quarries.
Control 192. Maintain walls, retaining walls, steps and stairs. All proposed development within KAVHA must: <ul style="list-style-type: none"> a) Conserve and maintain existing boundary and retaining walls throughout, including associated steps and stairs b) Not plant trees in close proximity to the heritage assets without reference to the KAVHA Tree Management Plan (when available) and its requirements for root control and protection and/or c) Demonstrate that the species selected and the distance ensures the preservation of surrounding heritage elements and areas of archaeological sensitivity.
Control 193. To manage and enhance the visual catchment, proposed development within KAVHA must: <ul style="list-style-type: none"> a) Recognise that the cultural landscape extends beyond the KAVHA boundary b) Maintain and enhance the KAVHA visual boundary to maintain an appropriate setting c) Identify and maintain significant edges to KAVHA precincts, including landscape elements such as fences, gates, walls, paths, plantings and archaeological elements. This can be demonstrated on the site analysis plan, refer Section 2.4 d) Develop specific strategies where needed to protect the KAVHA visual catchment, e) Include filtering or screening elements, enhancement of significant views and vistas with reference to the Cultural Landscape Management Plan and f) Restore/reconstruct significant boundary elements, including landscape design, removal of intrusive elements, control of signage (especially illuminated signs) and vegetation management g) Manage existing tree plantations to protect important vistas with reference to the Cultural Landscape Management Plan, including appropriate reduction in regrowth areas in accordance with the KAVHA Tree Management Plan (when available) h) Demonstrate potential visual impacts due to the proposed development, within the visual catchment, for formal review in accordance with an appropriate Visual Impact Assessment method (e.g. RMS NSW Practice Note EIA-N04) or by, i) On site demonstration of the proposal by an approved method (e.g. a suitable method might

Objective/Control	
	entail the erection of height poles/building templates in order to demonstrate the height of the proposed development and to quantify the impact on significant views and vistas across, within, to and from KAVHA site. Height poles/building templates are to be certified by a registered surveyor) to the satisfaction of the consent authority
Control 194.	To maintain existing cleared areas, all proposed development within KAVHA must: <ul style="list-style-type: none"> a) maintain the present balance between cleared areas and regrowth vegetation. b) ensure that regrowth vegetation is managed to retain important views and vistas identified in the Cultural Landscape Management Plan c) adopt a Tree Management Plan (when available) for associated plantations that provides for periodic thinning and selective removal of trees and understorey vegetation d) maintain controlled grazing on commons in accordance with the KAVHA Erosion Management Plan (when available) e) ensure that vegetation management enables visitor access and provides for public safety
Control 195.	All proposed development must maintain the use of KAVHA for community cultural practices by: <ul style="list-style-type: none"> a) maintain safe public access to and through existing public open spaces b) enhanced safe public access where it does not conflict with the protection of natural and cultural landscape values, c) enhance public access safety and security
Control 196.	All proposed development must maintain access for recreation by: <ul style="list-style-type: none"> a) allow safe public access to and through existing public recreation spaces for recreation uses b) horse riding and dog walking is permitted c) recreation opportunities are supported where they do not adversely affect sensitive cultural landscape and heritage assets
Control 197.	All proposed development within KAVHA must: <ul style="list-style-type: none"> a) Maintain and protect public access to and along the KAVHA bay precincts, from both land and water b) Enhance access where it does not conflict with the protection of natural and cultural coastal values, health, safety and security requirements c) Maintain access to the coast for passive recreation, swimming and small boat use. d) Recreation programs are supported where they do not adversely affect sensitive coastal ecosystems

6.2 Archaeology

Objective/Control	
6.2.1 Objectives	
Objective 100.	To protect the archaeological resources from damage.
Objective 101.	Ensure that the Archaeological Zoning and Management Plan will inform future site development and use, management, maintenance and new development, including for resolution of cultural landscape issues such as site drainage, vehicle and pedestrian access, parking, vegetation management, and livestock management.
6.2.2 Controls	
Control 198.	A Development Application that includes ground disturbance exceeding 300 millimetres must contain a statement indicating the Archaeological Zoning and Management Plan has been consulted and the relationship of the disturbance footprint to areas of archaeological potential is identified.
Control 199.	Where archaeological potential has been identified and where ground disturbance will exceed 300 millimetres, management measures commensurate with the Zone identified in the Archaeological Zoning and Management Plan must be submitted for approval.
Control 200.	Proposals will ensure that no parking or driving will occur over areas of potential archaeological sensitivity and over known archaeological resources.
Control 201.	Development and use will not allow grazing to occur around ruins where they are exposed or where the ground becomes very wet from heavy rain or flooding
Control 202.	Where relevant, development within KAVHA must protect areas of maritime archaeological significance by: <ul style="list-style-type: none"> a) identify and assess any impacts upon the maritime archaeological values of the Landing Place,

Objective/Control
<p>Slaughter Bay, Emily Bay and Cemetery Bay environs</p> <p>b) develop and implement policies for use and management of these waters which ensure the conservation of maritime archaeological features</p> <p>c) adopt relevant appropriate environmental standards for the maritime heritage and environmental assets and liaise with relevant authorities regarding monitoring of environmental conditions, including water quality, and the health of marine flora and fauna.</p> <p>d) ensure that uses of the maritime assets are compatible with their cultural significance.</p>

6.3 Temporary Services

The purpose of this section is to provide controls to manage the provision of food and beverage services during periods of peak visitation to KAVHA. The aim is to encourage visitors and enjoyment of the site by facilitating the provision of short-term and longer term temporary services activities, while protecting the world heritage values of the site.

Short-term temporary food and beverage services set up for a specific cultural, sporting, educational or similar type event or for occasional events, such as cruise ship visitation days, do not require development approval if the following conditions and circumstances are satisfied:

- The service is short term and would not operate for more than four (4) weeks
- All the equipment required to provide the service is 'pop up' and easily dismantled and removed if required
- All relevant and necessary licenses to operate the service are current and valid (e.g. Sale of Food Licence, Liquor Licence, public liability insurance etc)
- The service and activity complies with any Public Reserve Plan of Management that may apply to the land at which the service is established; and must be consistent with the KAVHA Heritage Management Plan and related management plans.

Where the above conditions and circumstances are satisfied, operational matters would be managed and controlled through conditions of a permit issued under the *Public Reserves Act 1997 (NI)* and / or a licence issued under the *Crown Lands Act 1996 (NI)*. Matters that might be conditioned include:

- Duration of the service
- Days and hours of operation
- Confinement to a specifically identified space
- Management and removal of waste each day
- Penalties for non-compliance with conditions of the permit or licence.

Longer term temporary food and beverage services are those set up for a period of more than four weeks but not more than six months. These might include services set up for a spring and summer period, such as a mobile kiosk, coffee van, bar facility, food van or equipment hire facility. Longer term temporary services require development approval and must also comply with the requirements of any Public Reserve Plan of Management that may apply to the land at which the service is established; and be consistent with the KAVHA Heritage Management Plan and related management plans.

Typically, all the equipment required to provide a longer term temporary service would be 'pop up' and easily dismantled and removed if required. Given the 'pop up' character of structures and equipment, it is expected development applications for longer term temporary activities would be relatively simple compared to a development application for a permanent service in a built structure.

Objective/Control
<p>6.3.1 Objectives</p> <p>Objective 102. To provide for temporary services.</p>
<p>6.3.2 Controls</p> <p>Control 203. Temporary services are possible where the zoning allows. . Visitor services includes:</p> <p>a) Coffee cart</p>

Objective/Control
b) Stall
c) Food van
Control 204. Within Precinct D, services should be sited within the walled areas or behind the cottages of Quality Row
Control 205. All equipment required to provide the service is 'pop-up' and easily dismantled and removed, if required. Materials and colours for the services shall respect the surroundings.
Control 206. Temporary services will be located to minimise the obstruction of views to heritage buildings.
Control 207. Temporary food outlets must comply with all relevant Council codes relating to the sale of food and beverages. All relevant and necessary licenses to operate the temporary food and beverage service must be current and valid (e.g. Sale of Food Licence, Liquor Licence, public liability insurance etc).
Control 208. The Development Application must comply with the provisions in Section 6.12.
Control 209. Any permits under the <i>Public Reserves Act 1997 (NI)</i> or licence under the <i>Crown Lands Act 1996 (NI)</i> must be in place before the temporary service or activity commences.
Control 210. A short-term temporary service or activity may be extended for one (1) additional term of up to four (4) weeks by application for a new permit under the <i>Public Reserves Act 1997 (NI)</i> or a new licence under the <i>Crown Lands Act 1996 (NI)</i> . Development approval must be in place before a longer term temporary service or activity commences.

6.4 Transport Infrastructure

Objective/Control
6.4.1 Objectives
Objective 103. To retain important road layout and landscape elements that contributes to the significance of KAVHA.
Objective 104. To reinforce the qualities of the heritage item through appropriate road layout and landscape elements.
6.4.2 Controls
Control 211. Road and path layouts and widths should not be relocated or altered except where they can be demonstrated to be intrusive.
Control 212. All soft road edges to approach roads and roads within the Kingston and Arthur's Vale areas, Pier Street, Bay Street, Bounty Street, Bligh Street, the south side of Quality Row must be retained.
Control 213. Avoid additional jetties or pier structures on the waterfront
Control 214. Where new roads and pathways are necessary, they should prioritise historic routes where possible and highlight interpretive features.
Control 215. Minor adjustments to footpaths and roads to improve safety and accessibility may be permitted with consent and in accordance with the Cultural Landscape Management Plan.
Control 216. The introduction of fencing should be avoided, except where fencing or walling is required for conservation or designed to interpret historical fenced boundaries.
Control 217. No significant new bridges, slipways, piers or engineering structures will be constructed. Culverts may be constructed provided they do not impact on archaeological remains or other historically significant features.

6.5 Water Storage, Effluent Disposal and Water Quality

Objective/Control
6.5.1 Objectives
Objective 105. To resolve site drainage and water quality issues across the KAVHA site.
Objective 106. Restore the Serpentine picturesque landscape element.
Objective 107. Prevent further erosion of creek banks.

Objective/Control	
6.5.2	Controls
Control 218.	Where relevant, development or use should address drainage and water quality, while respecting the pre-settlement natural drainage patterns and modified post-settlement infrastructure and alignments.
Control 219.	Where relevant, development or use should support the restoration of the swamp system to avoid contamination impacts to the marine environment at Emily Bay.
Control 220.	Where relevant, development or use should consider the impacts of proposed plantings on water quality.
Control 221.	Where relevant, development or use should support water holding capacity up stream to avoid adverse impact on the marine environment during flood events.
Control 222.	<p>Development and use must comply with Development Control Plan 2: Water Resources except where it can be demonstrated that the provisions in Development Control Plan 2 will have an adverse impact on the heritage significance of KAVHA. In order to qualify for an exemption from Development Control Plan 2 a proponent must:</p> <ul style="list-style-type: none"> • Demonstrate that the water tanks or effluent disposal system cannot be placed without significant and substantial impacts to archaeological resources and/or significant views; • Demonstrate that there are no alternative locations that would not have significant and substantial impacts to archaeological resources and/or significant views are available or reasonable <p>Where the above can be demonstrated, the proponent must propose an alternative that meets the controls in Development Control Plan 2 to the extent possible within the heritage constraints, in consultation with NIRC.</p>
Control 223.	Rainwater tanks are encouraged, however should be located so they are not obstructing or creating an adverse impact on the KAVHA views and vistas. The siting should also consider views to and from the building in question.
Control 224.	Rainwater tanks may be located underground, subject to archaeological considerations
Control 225.	Rainwater tanks should be of non-reflective iron or steel. Another material may be considered if it can be demonstrated to fit within the heritage context. Plastic water tanks are not appropriate, unless concealed underground.
Control 226.	Where practical, all habitable and tourism buildings within KAVHA should be connected to a sewerage system.
Control 227.	Where reticulated sewage is not available, an on-site effluent disposal system must be provided.

6.6 Alterations and additions to non-heritage elements

Non-heritage listed buildings and properties within the KAVHA site contribute to the overall rural setting of the historic town.

Objective/Control	
6.6.1 Objectives	
Objective 108.	To ensure alterations and additions do not have an adverse impact on KAVHA's setting.
Objective 109.	To ensure proposed alterations and additions are sympathetic to heritage elements in the vicinity of proposed development.
6.6.2 Controls	
Alterations and additions shall be located and designed with no adverse impact to key vistas and views identified in KAVHA shown on	
Control 228.	Figure 5.
Control 229.	Alterations and additions shall be located and designed to be unobtrusive to the visual character of the KAVHA site.
Control 230.	Proposed design, materials and finishes shall comply with controls set out in Section 0.
Control 231.	Alterations and additions that include garages and carports should conform to the controls set out in Section 5.13.

6.7 New buildings

Objective/Control	
6.7.1 Objectives	
Objective 110.	To ensure that new buildings do not impact on one's ability to appreciate and understand key historical visual connections of the KAVHA site.
Objective 111.	To ensure that new buildings are not obtrusive and are consistent with the visual character and setting of the KAVHA site.
Objective 112.	To ensure that new buildings respect historic set out and orientation of existing buildings on adjacent properties and streetscape
Objective 113.	To ensure that the residential and agricultural scale and character of the site is maintained and protected.
Objective 114.	To ensure gardens of houses not associated with the historical values do not detract from the interpretation of the cultural landscape.
6.7.2 Controls	
Control 232. New buildings shall comply with the controls set out in Section 2.0, 3.0 Heritage Precincts and relevant controls in 9.0 General Provisions.	
6.7.2.1 Setting and Location	
New buildings shall be located and designed with no adverse impact to key vistas and views identified in KAVHA (
Control 233. Figure 5) and related Precincts.	
Control 234. New buildings shall be located and designed to be unobtrusive to the visual character of the KAVHA site.	
Control 235. New buildings shall respect the following elements of adjacent buildings and the historic streetscape:	
a) historic set out,	
b) distribution	
c) orientation	

Objective/Control
d) spatial relationships.
6.7.2.2 Scale and Location of New buildings
Control 236. Small scale buildings may be constructed in Precinct E and in limited parts of areas zoned M and N and should not impact on key views and vistas identified within KAVHA site or relevant Precincts. These shall be limited to residential, agricultural and tourist facilities.
Control 237. No new large-scale commercial buildings are permitted within the KAVHA site.
Control 238. Small-scale commercial buildings are permitted provided they are: <ul style="list-style-type: none"> a) compatible with adjacent historic uses b) for interpretation c) for visitor orientation and services d) for supporting compatible or traditional use including agriculture
Control 239. New buildings shall be designed to an appropriate scale to its context and not dominate the streetscape or historic buildings.
Control 240. Notwithstanding Control 237, a Visitors Centre for KAVHA may be considered
6.7.2.3 Compatible use / Adaptation
Control 241. New buildings may be constructed to permit: <ul style="list-style-type: none"> a) compatible uses b) continue a significant traditional use c) accommodate conservation and/or interpretation of the KAVHA site
6.7.2.4 Building Height and Setbacks
Control 242. Generally new buildings shall comply with the controls set out in Norfolk Island Plan 2002 within the appropriate zone.
Control 243. Height and setbacks for new buildings may be varied with consideration to site-specific elements listed in NI Plan 2002.
Control 244. The setback of new buildings in the vicinity of heritage elements should be equal to or greater than that of the heritage elements.
6.7.2.5 Archaeology
Control 245. Locate new buildings away from archaeological sensitive areas.
Control 246. New buildings shall incorporate a Statement of Heritage Impact that includes an assessment on the impact of any archaeology.
6.7.2.6 Landscape
Control 247. Where trees have been identified as contributing to the heritage significance or streetscape value of the area, new buildings shall not be located within the primary root zone.
Control 248. Do not locate any permanent structures within the low-lying coastal plain of Kingston and Arthur's Vale, being Precincts A, B, D, F, G, H and J.
Control 249. Screen new buildings by employing plantings and other appropriate means
Control 250. Garages and carports to new buildings should conform to the controls set out in Section 5.13
6.7.2.7 Gardens
Control 251. Gardens design must be readily identifiable as being distinct from the historical gardens associated with Government House and Quality Row. Unstructured design with endemic species would facilitate this control.
Control 252. Agricultural plantings and crops are permitted where based on historical and/or archaeological evidence with regard to location and species.

6.8 Design and Building Materials

Objective/Control	
6.8.1 Objectives	
Objective 115.	To maintain and enhance the existing character and historical layers of development.
6.8.2 Controls	
Control 253.	New buildings shall be designed of a high standard using contemporary materials details to differentiate new structures from old.
Control 254.	New buildings shall avoid mimicking and replicating the style and character of historic buildings.
Control 255.	Design, materials, finishes and details in the vicinity of heritage elements and streetscapes shall be sympathetic and not visually dominate.
Control 256.	New buildings shall incorporate any consistent style, form and materials that is evident within the streetscape.
Control 257.	Expansive walls and roofs shall be articulated in their design such as rebates in walls and changes in materials.
Control 258.	Do not use highly reflective materials or finishes.

6.9 Fences

Objective/Control	
6.9.1 Objective	
Objective 116.	To allow for the erection of fencing that is sensitive to the character of KAVHA
6.9.2 Controls	
Control 259.	Development or use must avoid the installation of fences. Fencing should be limited to the alignment and definition of historical field/property boundaries.
Control 260.	Development or use must not plant Norfolk Island pines along boundaries or fences. Low growing, non-weedy vegetation may be planted.
Control 261.	Fencing interpreting historic field boundaries should be of post and wire or split logs.
Control 262.	Chain link style fencing is not appropriate, except where it is employed as a temporary measure to protect building or conservation works.
Control 263.	Substantial stone or calcarenite walls or fences are not permissible unless as a reconstruction of a known historical feature.

6.10 Driveways

Objective/Control	
6.10.1 Objectives	
Objective 117.	To reduce the impact of large areas of concrete on historic houses and streetscapes:
6.10.2 Controls	
Control 264.	Driveway entries should be recessive and simple. Elaborate stone or brick portals or gateposts are to be avoided
Control 265.	Driveways should consist of two wheel-tracks made of gravel or compacted material.
Control 266.	Driveways should be sited to avoid horizontally cutting across the hills that form the backdrop to Kingston and Arthur's Vale. If driveways are necessary in these areas, they should follow the contours of the hills to reduce the visual impact. The use of a historic route may be appropriate.
Control 267.	Extensive use of poured concrete should be avoided

6.11 Satellite dishes and other modern technology, service pipes and vents and other necessary additional minor features

Objective/Control	
6.11.1 Objectives	
Objective 118.	Minimise potential adverse impact to appearance of historic structures from the addition of modern technology, service pipes and vents and other necessary additional features.
6.11.2 Controls	
Control 268.	Solar panels, satellite dishes and other modern technology should be located so that they are not readily visible from the public domain and will not have an adverse impact on the KAVHA views and vistas. Such installations may not be appropriate on all buildings.
Control 269.	Where practical, all service pipes, vents and other necessary additional features should be concealed.

6.12 Waste Management

Objective/Control	
6.12.1 Objectives	
Objective 119.	Prevent adverse impacts to the KAVHA site from waste and sewage.
6.12.2 Controls	
Control 270.	Construction Waste should be managed in accordance with a site specific Construction Waste Management Plan provided as part of any application.
Control 271.	Where practical, operational waste should be reduced and recycled in accordance with the waste management practices of the Norfolk Island Regional Council. A site specific operational waste management plan should be provided for non-residential developments within KAVHA.
Control 272.	Where reticulated sewage is not available, an on-site waste management system must be provided.
Control 273.	On-site waste management systems must not cause adverse impacts to the KAVHA site, marine ecosystem or ground water.

6.13 Fire Control Measures

Objective/Control	
6.13.1 Objectives	
Objective 120.	Protect the heritage landscape and character of the KAVHA site.
6.13.2 Controls	
Control 274.	Fire engineered solutions should be sought to allow retention or original structural systems that would otherwise not meet provisions of the Building Code of Australia.
Control 275.	A two (2) metre gap between houses and any tree branches should be maintained to prevent spread of bushfire. Trees should be trimmed to ensure no branches are overhanging roofs.

6.14 Sediment/erosion Control

Sediment and erosion control, and dune and cliff stabilisation are significant environmental issues within KAVHA. Appropriate responses depend on a variety of factors including soil and hydrological characteristics and slope gradient, and existing and intended uses of the land. Successful control measures must include an integrated and coordinated response to storm water runoff, grazing impacts and vegetation management, as well as human activity.

Objective/Control	
6.14.1 Objectives	
Objective 121.	To ensure that sediment and erosion control are adequately addressed within development and use of a site
Objective 122.	To allow for the continuation of grazing practices while controlling erosion.
Objective 123.	To protect creeks and waterways within development and use of the site.
Objective 124.	To ensure the protection and repair of eroded dunes, slopes and cliffs within development or use of a site.
6.14.2 Controls	
Control 276.	When relevant, development proposals must: <ol style="list-style-type: none"> submit for approval a Sediment and Erosion Control Plan in accordance with the KAVHA Sediment and Erosion Control Strategy (when available) Does not include parking or driving over areas of potential erosion Ensure parking areas and paths are appropriately surfaced to manage surface water runoff in accordance with the KAVHA Total Catchment Management Plan (when available) Provide adequate protection to archaeological and heritage assets where necessary to avoid damage, compaction, erosion.
Control 277.	Where relevant, proposed development and uses within KAVHA must: <ol style="list-style-type: none"> Minimise erosion impacts by controlling and coordinating grazing activities in a sustainable manner Avoid grazing around areas of potential erosion or when the ground becomes very wet from heavy rain or flooding Exclude livestock from creek zones by fencing or cattle collars ('virtual fence' GPS controlled). Stabilise sand dunes and cliffs through planting, access management and use, and other coordinated measures in accordance with the KAVHA Sediment and Erosion Control Strategy (when available)
Control 278.	Where relevant, proposed development and uses within KAVHA must: <ol style="list-style-type: none"> restore disturbed creek and swamp margins and banks to mitigate erosion, enhance habitat, and improve flows and water quality protect and enhance of creek lines and waterways for improved water quality, stabilisation of creek edges, and environmental and public health benefits prevent unfiltered stormwater and wastewater entering the catchment; slow water flows into creeks to prevent erosion; control sediment release; and provide filtration of groundwater. prevent large volumes of fresh and turbid water entering Emily Bay in high rainfall events
Control 279.	When relevant, development proposals must: <ol style="list-style-type: none"> submit for approval a Slope Stabilisation Plan in accordance with the KAVHA Sediment and Erosion Control Strategy (when available) A Slope Stabilisation Plan must be developed by an appropriately qualified engineer and include

an analysis of the existing slope conditions, options for stabilisation including associated environmental impacts and a works plan appropriate to the options considered.

A variety of stabilisation measures may be considered in response to specific conditions. Guidance is provided in the KAVHA Sediment and Erosion Control Strategy (when available).

6.15 Parking, Unloading/Loading Facilities

Objective/Control	
6.15.1 Objectives	
Objective 125.	To reduce the visual intrusiveness of parking within the KAVHA area to better allow for the transmission of cultural heritage values.
Objective 126.	To protect the standing structures and archaeological resources from damage.
6.15.2 Controls	
Control 280.	Proposed development and use of existing and proposed parking shall rationalise existing parking within the Precinct and include the following: <ul style="list-style-type: none"> a) Vehicular access and parking areas shall be located in areas of minimal visual and physical impact to heritage elements, clearly demarcated with an appropriately applied road surface and appropriately screened. b) Permit/include the installation of barriers and bollards to protect heritage elements and subsurface archaeology. c) Allow for removal of parking areas identified as intrusive elements. d) Permit temporary parking areas for special events
Control 281.	Development or use that includes car parking must demonstrate that the location will not obstruct views to or from buildings and will not impact on archaeological resources. Plans to screen the car park may be included, if necessary.
Control 282.	The surface for parking areas in the public realm must be selected from the Materials Palette.
Control 283.	Development must include installation of barriers and/or bollards from the materials specified in the Materials Palette for the site and be designed to protect structures, archaeological resources and safety hazards (e.g. cliff edges).
Control 284.	Proposed road surfaces shall be selected to prevent erosion.

6.16 Street furniture

Objective/Control	
6.16.1 Objectives	
Objective 127.	Enable the provision of amenities within KAVHA.
6.16.2 Controls	
Control 285.	Seating, rubbish bins and BBQs are to be selected from the materials palette
Control 286.	Street furniture is to be located in unobtrusive locations
Control 287.	Picnic facilities should be restricted to those areas identified within the CLMP

6.17 Memorials and Public/Interpretive Art

Objective/Control	
6.17.1 Objectives	
Objective 128.	To enhance public enjoyment, engagement with and an understanding of KAVHA.
Objective 129.	To recognise and celebrate community heritage and culture in KAVHA.
Objective 130.	To facilitate the installation of site-specific public/interpretative art that infuses KAVHA with a unique character, creativity and identity in keeping with its heritage values.

Objective/Control	
Objective 131.	To enhance the interpretation, appearance, character and value of buildings and spaces.
Objective 132.	To support local artists.
Objective 133.	To control the erection of memorials within KAVHA.
6.17.2 Controls	
Control 288.	<p>A description of the proposed public/interpretative art and memorials to groups of people (e.g. convicts, Pitcairn Islanders) must be submitted to Council with all applications for public/interpretative art with the following specifications and design documentation elements:</p> <ul style="list-style-type: none"> a) location; b) dimensions; c) drawings of the work; d) drawings of the work showing relative scale within the site; e) materials and colours to be used; f) the intention of the artwork and related research materials; g) time period of installation; h) decommissioning process and timing; i) an indication of the method of artist accreditation; j) a statement outlining and illustrating how the proposed artwork responds to, invigorates or makes challenge to the site and surroundings including existing and historical urban, visual and landscape character; and k) a maintenance plan.
Control 289.	<p>All types of public/interpretative art and memorials to groups of people (e.g. convicts, Pitcairn Islanders) may be considered by Council for approval, however development applications must demonstrate that the artwork:</p> <ul style="list-style-type: none"> a) is consistent with any public art policy, master plan, Heritage Management Plan, Cultural Landscape Management Plan and/or Interpretation Plan b) will contribute to an attractive, stimulating and functional environment and will not detract from the heritage significance, amenity and safety of the public realm; c) has been specifically designed for and is suitable for the building or site on which it is to be located; d) is made from quality materials that will not have an adverse impact on the natural environment, are durable and will be easy to maintain, unless approved as temporary or ephemeral art; e) has given consideration to public safety and public access in the public domain; f) has undergone appropriate consultation with Council, community groups and any other relevant parties; g) has considered using the artworks in a dual role, for example, play equipment for children or informal seating; h) has considered the time period of the public art and any decommissioning date for the art; and i) will be maintained as required.
Control 290.	<p>The erection of a personal memorial should be limited to:</p> <ul style="list-style-type: none"> a) small plaques attached to street furniture; b) where a substantial connection to KAVHA can be demonstrated, an interpretative panel may be appropriate.
Control 291.	New commemorative and memorial plantings within KAVHA are not permitted.

6.18 Subdivision

Objective/Control	
6.18.1 Objectives	
Objective 134.	Enable potential benefits to landholders and residents through subdivision of land holdings in KAVHA.
6.18.2 Controls	
Control 292.	Subdivision shall not alter the KAVHA historic pattern of settlement along Quality Row. New subdivision must not facilitate development that may negatively impact on views to or from KAVHA identified as being significant on
Control 293.	Figure 5.
Control 294.	The built forms that would be likely to arise from approval of a subdivision will not have any detrimental impact on the heritage significance or settlement pattern.
Control 295.	Blocks of land shall not be amalgamated or consolidated across historic boundaries. Construction shall not occur across historic property boundaries.

6.19 Community Title

Objective/Control	
6.19.1 Objectives	
Objective 135.	Enable potential benefits to landholders and residents through the creation of Community Titles in KAVHA.
6.19.2 Controls	
Control 296.	Development and use must comply with Development Control Plan 6: Community Title, if relevant, except where it can be demonstrated that the provisions in Development Control Plan 6 will have an adverse impact on the heritage significance of KAVHA. Where the above can be demonstrated, the proponent must propose an alternative that meets the controls in Development Control Plan 6 to the extent possible within the heritage constraints, in consultation with NIRC.

7.0 Signage

7.1 When is Approval Required?

All signage within KAVHA is Permissible with Consent as per Clause 74 of the *Norfolk Island Plan 2002*.

Compliance with this plan does not necessarily imply that approval will be given to any application as each application is considered on merit.

Maintenance and repair to existing signs may not require development consent and should be discussed with NIRC staff prior to undertaking work.

7.2 Signage Types and Permissibility

The following table is called the Permissibility of Advertising Structures within KAVHA. The table defines the types of advertising structures, their permissibility within KAVHA and the associated development standards. This Table must be consulted to determine the permissibility for each type of advertising structure in a particular zone. Development standards are provided for those advertising structures that are permissible within KAVHA. The types of advertising structures are illustrated in Figure 67.

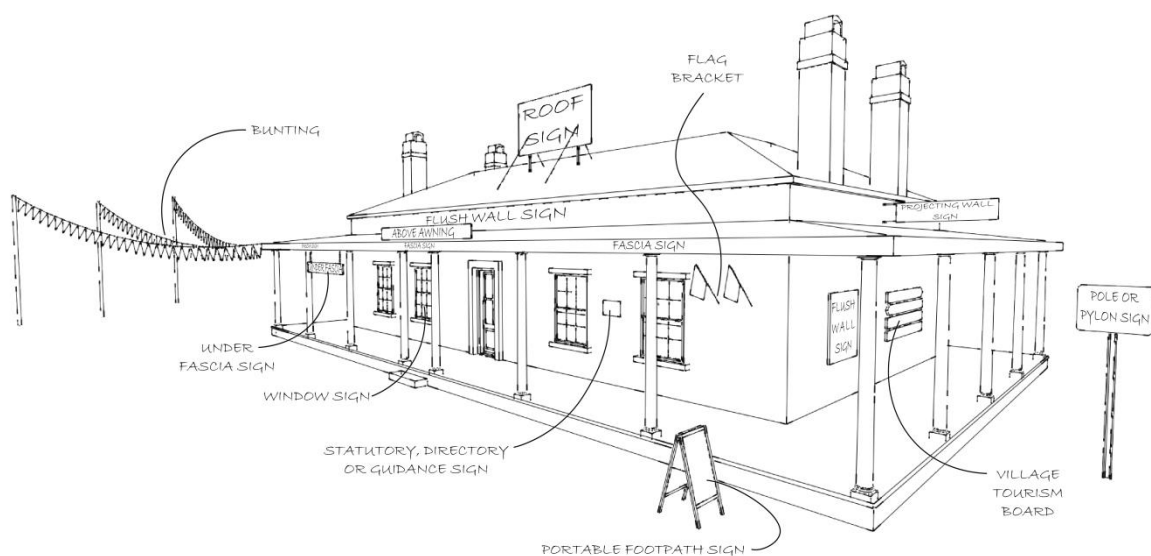


Figure 67 Types of Advertising Structures

Table 25 Permissibility of Advertising Structures within KAVHA

Advertising Structure	Permissibility	Development Standards
Roof advertising structure means an advertising structure erected upon or above, or extending above, or painted on a roof or parapet or canopy of any building or other structure, and which is wholly or partly supported by that building or structure.	Prohibited use or development	n/a
Above awning advertising structure means an advertising structure located on top of an awning or verandah with no part of the advertising structure or sign projecting above the roof, parapet or ridge line or beyond the awning edge.	Prohibited use or development	n/a
Below awning advertising structure means an advertising structure fixed or hanging below an awning or any other structure such as a beam.	Permissible with consent	a. The base of the advertising structure must be not less than 2.6 m above the footpath or any other form of public thoroughfare at any point. b. The advertising structure must not have an advertising display area greater than 1.5 m ² on either of 2 sides. c. The depth of the advertising structure must not be greater than 0.5m. d. The advertising structure should be design to be removable.
Fascia advertising structure means any sign or advertising structure attached to or painted onto the fascia of awnings.	Permissible with consent	The height and width of the advertising structure or lettering must not extend above or below the fascia or return end of the awning to which it is attached.
Material advertising structures means an advertising structure that is made up of material such as fabric, cloth, textile, paper and plastic attached or supported on one or two sides to another structure so as to allow movement caused by the atmosphere, where the material displays corporate, advertising and promotional information; whether or not the sign is removed from time to time. The term includes: a. kites, banners, flags, bunting and street banners, balloons and the like.	Permissible with consent	a. The maximum advertising display area for all flags and kites is 2.0 m ² . b. The maximum height of all material advertising structures is 2.0 m from ground level. c. An advertising structure is not to be located in a public thoroughfare such as a footpath or other place such that clearance under the sign would be necessary. An advertising structure may be placed in line with the public thoroughfare, for example, along a fence. d. Material advertising structures must not be attached to

Advertising Structure	Permissibility	Development Standards
<p>b. umbrellas that are erected primarily to promote and advertise goods, products or services with advertising and promotional material displayed on the canopy of the umbrella.</p> <p>The term does not include:</p> <p>c. Umbrellas that are street furniture accompanied by tables and chairs the primary purpose of which is to provide a space for rest and shelter</p> <p>d. Kites, banners and flags that are attached to vehicles not otherwise subject to the provisions of this plan;</p> <p>e. National or statutory flags; or</p> <p>f. Mobile advertising structures separately described this plan.</p>		<p>structures erected for an alternative specific purpose such as aerials, antennae and the like.</p> <p>e. The illumination, colour and position of the material advertising structure must not in any way interfere with other infrastructure such as overhead power lines and traffic signs.</p>
<p>Pole or freestanding or pylon advertising structures</p> <p>means an advertising structure which is supported by one or more columns, uprights or braces in or upon the ground and which is not directly attached to any building or other structure. The term does not include material advertising structures</p>	Permissible with consent	<p>a. The advertising display area of the advertising structure must not exceed 2.0 m².</p> <p>b. The height of the advertising structure must not exceed 6.0 m above ground level whether or not the columns, uprights or braces are in or upon the ground or in another structure such as a planter box or pot plant.</p> <p>c. Where the advertising structure is located in a public thoroughfare such as a footpath the minimum height above ground level is 2.6 m to the base of the advertisement display area to enable clearance.</p> <p>d. Where the advertising structure is located in a space where there is no public thoroughfare, there is no minimum height above ground level.</p> <p>Design guidelines:</p> <p>e. Pole or freestanding or pylon advertising structures will be permitted only where building setbacks and road function and general use of the space make them appropriate.</p>
Projecting wall advertising structure	Prohibited use or	n/a

Advertising Structure	Permissibility	Development Standards
means any advertising structure attached to a wall which projects either parallel or at any angle more than 300 mm from the wall. The term does not include a flush wall advertising structure described separately in clause 26 of this plan.	development	
<p>Mobile advertising structures</p> <p>means any portable, moveable or mobile advertising structure which is regularly or occasionally displayed. The term includes sandwich boards, chalk boards, white boards, bulletin boards, portable props and figures.</p>	Permissible with consent	<ul style="list-style-type: none"> a. Mobile advertising structures must be either placed on the ground and not exceed a height of 1.2 metres, or attached to the frontage of a premises such as a wall, fence or gate, provided the advertising structure is not permanently fixed to the wall, fence or gate, and does not extend above the top of the wall, fence or gate. b. Mobile advertising structures shall not be placed on top of a vehicle, trailer or the like. c. The advertising display area shall not exceed 2.0 m² in the case of sandwich boards and other double-sided boards, or 1.0 m² in the case of all other mobile advertising structures. d. Mobile advertising structures must be located within or on the boundaries of a portion, unless: <ul style="list-style-type: none"> i. options for the placement of the advertising structure within the portion are limited; and ii. public access is not impeded or safety affected by the placement of the advertising structure on public land; in which case the Norfolk Island Regional Council may grant permission for a mobile advertising structure to be placed on public land. e. Where the Norfolk Island Regional Council grants permission for a mobile advertising structure to be placed on public land the advertising structure must only be displayed during daylight hours to protect public safety.
<p>Flush wall advertising structure</p> <p>means any advertising structure which is:</p> <ul style="list-style-type: none"> a. fixed parallel; or b. painted, either by direct painting or by signage comprising individual lettering or logo; or c. comprises the application of materials such as acrylic; or d. stuck or attached in any manner directly onto an exterior wall of a 	Permissible with consent	<ul style="list-style-type: none"> a. The advertising display area must not exceed 2 m². b. The advertising structure must not protrude more than 300 mm from the wall. c. The advertising structure must not extend above the top of the wall, fence or gate. d. The advertising structure should not dominate the facade on which it is displayed.

Advertising Structure	Permissibility	Development Standards
<p>building or other structure such as:</p> <ul style="list-style-type: none"> i. a fence of any material or size, ii. garden or retaining wall of any material or size; or iii. gate of any material or size; <p>and not described as exempt use or development in clause 8, permitted (as of right) use or development in clause 9 or prohibited use or development in clause 11.</p>		
<p>Directional and guidance signs required by a Statutory Agency</p> <p>means any sign required by a statutory authority, including, but not limited to NIRC and the Commonwealth, designed for the safety or guidance of people or traffic, or for the protection of goods, structures or buildings. Signs may include the Coat of Arms and/or logo of the statutory agency/ies.</p>	Permissible with consent	
<p>Tourism directional and guidance signs</p> <p>means any sign that provides identification of and directions for vehicular or pedestrian traffic to commercial tourist attractions, facilities and accommodation. It does not include directional and guidance signs required by a statutory agency.</p>	Permissible with consent	<ul style="list-style-type: none"> a. Tourism directional and guidance signs shall conform to the requirements of AS 1742.6 - Manual for Uniform Traffic Control Devices, Part 6 (Tourist and Services Signs). b. Tourism directional and guidance signs will be erected as pole or freestanding or pylon advertising structures and will comply with the development standards for pole or freestanding or pylon advertising structures. c. The signs will be erected in appropriate locations approved by NIRC. d. The wording of the sign must refer only to the registered business name of the business or company. e. Sharing of the advertising structure will be encouraged to prevent a proliferation of signage.
<p>Internal and window signs</p> <p>means any advertising structure or sign located wholly within the interior of a building whether or not permanently displayed; including signs attached to, painted or displayed in similar fashion on or behind a window or any glazed area of a building The term includes video screens and displays, internal neon signs and other internal signs that are illuminated</p>	Permissible with consent	<ul style="list-style-type: none"> a. No video screens and displays, internal neon signs or other illuminated signs are permissible. b. Notwithstanding the above, audio-visual interpretation is permissible, but should be discreetly placed.

Advertising Structure	Permissibility	Development Standards
in any manner.		
Bunting means a continuous string of lightweight coloured material and can include a string of flags, decorations etc.	Permissible with consent	a. Use of bunting should be confined to special events and should not be installed on a permanent basis.
Interpretive Means a sign or structure intended to convey information about: <ul style="list-style-type: none"> • KAVHA; • KAVHA's Outstanding Universal Values; • a heritage element within KAVHA; • a Public Reserve within KAVHA; and/or • any other information deemed relevant by NIRC and/or the KAVHA Heritage Manager. The sign or structure may include the name of the heritage item or public reserve, and a statement of its significance.	Permissible with consent	a. Interpretive information may take any form or size, but must be supported by: <ol style="list-style-type: none"> 1. a Heritage Impact Statement; and 2. the KAVHA Heritage Manager

Objective/Control	
7.2.1 Objectives	
Objective 136.	Provide consistent guidance for the erection and display of signage including advertisements and advertising structures
Objective 137.	Ensure that signage compliments the KAVHA heritage site and its locality and does not adversely affect the heritage character of the area.
Objective 138.	Ensure that outdoor signage does not lead to visual clutter through the proliferation of signs.
Objective 139.	Ensure that the content of signage will not interfere with the amenity of the locality or cause offence to the general public.
7.2.2 Controls	
Control 297.	Advertising structures and signs in the following list are permissible with consent use or development: <ul style="list-style-type: none"> a) Signs on private properties designed for safety, guidance, security and the like that may be visible from outside the property, such as "Private Property" signs are permissible, provided that the display area of each sign is not more than 0.5sqm; b) Internal and window signs that are consistent with the description of internal and window signs provided in Appendix A of this plan and do not include video screens and displays, internal neon signs and other internal signs that are illuminated in any manner; c) Advertisements or signs on a vehicle or trailer where the primary purpose of the vehicle or trailer is the conveyance and transport of goods and passengers and the vehicle or trailer is not parked permanently and used solely for the purposes of advertising and promotion; d) Replacing or repainting an existing lawful advertising structure or sign provided that it is the same type of advertising structure or sign and has the same advertising display area or less than the existing lawful advertising structure or sign; e) National and statutory flags on an existing flag pole; f) Tourism directional and guidance signs (and advertising structures to support such signs) that are consistent with the development standards and design guidelines for such signs provided in clause 29 of this plan; and g) Pole or freestanding or pylon advertising structures that are interpretive structures and signs intended to convey information about a heritage item and is consistent with the current Interpretation Plan.
Control 298.	Advertising structures and signs erected or displayed to advertise community or civic projects, religious, educational, cultural, political, social or recreational events and activities, properties for sale or open for inspection, construction projects or other special events, for a period not exceeding eight weeks are permissible.
Control 299.	Signs illuminated by an external source may be permitted. Use of these signs should be limited to operational hours only.
Control 300.	Advertising structures and signs that are identified in the following list are prohibited use or development within KAVHA: <ul style="list-style-type: none"> a) Signs on trees, electricity or telephone poles or other inappropriate structures; b) Advertisements or signs on a vehicle or trailer where the vehicle or trailer is parked permanently and used solely for the purposes of advertising and promotion; c) Animated, video screens, artificially moving, internally illuminated flashing, scintillating, flashing neon signs and non-flashing neon signs
Control 301.	Advertising structures are to be limited to two per premises
Control 302.	Proposals to erect or display an advertising structure or sign shall comply with the development standards and design guidelines that apply to that particular type of advertising structure or sign that are established in Table 25.
Control 303.	Approval may be given in exceptional circumstances to a variation of a development standard relating to advertising type or advertising display area.
Control 304.	Where it is proposed to vary a development standard relating to advertising display area for an advertising structure or sign, the assessment must take into consideration the opinion of the KAVHA Heritage Manager and a Heritage Impact Statement.

8.0 References

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Appendix A

Definitions

Appendix A Definitions

Administrative Definitions

Adaptation - means changing a place to suit the existing use or a proposed use.

Animated, flashing, and scintillating signs - means a sign displayed on any outdoor advertising structure where any part of the advertising display area is animated, flashing or illuminated at frequent intervals by an internal source of artificial light, including advertisements with scintillating or moving images and sequential colour signs. The definition does not include decorative fairy lights, or any lighting that does not illuminate and advertising structure or sign) are not permitted.

Artificially moving signs - means a sign displayed on any outdoor advertising structure that is capable of movement by any source of power (other than atmospheric breeze) such as a revolving structure) are not permitted.

Associations – mean the connections that exist between people and a place.

Authenticity – means the degree to which the cultural values of a World Heritage property are truthfully and credibly expressed through a variety of attributes including form and design, materials, use and function, traditions, techniques and management systems, location and setting, language and other forms of intangible heritage. In some contexts, authenticity is specifically used to refer to the extent to which the fabric is in its original state.

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

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 any part of a Building.

Burra Charter – means the document titled the *Australia ICOMOS Charter for Places of Cultural Significance* 2013 published by Australia ICOMOS Inc.

Calcarenite – means the limestone found at Kingston.

Commissariat – means an Imperial department, especially military, for supply of food, etc.

Compatible use – means a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.

Conservation – means all the processes of looking after a place so as to retain its cultural significance.

Cultural significance – means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.

Curtilage – means the geographical area that provides the physical context for an item and which contributes to its heritage significance. Land title boundaries and heritage curtilages do not necessarily coincide.

Demolition – means the removal or destruction of all or part of an existing Building or Structure.

Development – of land means the use of the 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 on the land and includes any one or more of the following:

- a) construction, exterior alteration or exterior decoration of a building or structure;
- b) demolition or removal of a building, structure or works;
- c) construction or carrying out of works;
- d) subdivision or consolidation of land including buildings or airspace;

- e) placing or relocation of a building, structure or works on the land;
- f) construction or putting up for display of a sign or hoarding;

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 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.

Environment – includes all aspects of human kind's surrounding whether affecting them as individuals or their social groupings.

Fabric – means all the physical material of the place including elements, fixtures, contents and objects.

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.

Heritage – means the archaeological, historical, aesthetic, architectural, scientific, natural, cultural or social heritage of Norfolk Island for the present community and for future generations

Heritage Element – means a building, structure, ruin, archaeological feature or other element within KAVHA that has been identified as contributing to the heritage significance of KAVHA

Heritage Item – means an object or place listed on the Heritage Register

Heritage Register – means the Norfolk Island Heritage Register established by section 6 of the *Heritage Act 2002 (NI)*, as varied from time to time

Integrity – means the measure of the wholeness and intactness of a World Heritage property and its attributes, particularly whether it includes all elements necessary to express its Outstanding Universal Value, is of adequate size to ensure the complete representation of the features and processes which convey its significance, and/or is adversely affected by development neglect.

Internal and window signs – means any advertising structure or sign located wholly within the interior of a building whether or not permanently displayed; including signs attached to, painted or displayed in similar fashion on or behind a window or any glazed area of a building) may be permitted.

Interpretation – means all the ways of presenting the cultural significance of a place.

KAVHA Heritage Manager – means the role of the person employed by the Department responsible for Norfolk Island to oversee the management of the heritage values of KAVHA.

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.

Maintenance – means the continuous protective care of a place, and its setting. Maintenance is to be distinguished from repair which involves restoration or reconstruction.

Meanings – denote what a place signifies, indicates, evokes or expresses to people Preservation - means maintaining a place in its existing state and retarding deterioration. It is recognised that all places and their elements change over time at varying rates.

Neon signs – means any sign displayed on an outdoor advertising structure where any part of the advertising structure is illuminated to give off a coloured glow when electricity is passed through it) are not permitted.

Permitted (as of right) use or development – means Use or Development that may be carried out without Development Approval from the Norfolk Island Regional Council. This type of Use or Development is not relevant within KAVHA by virtue of Clause 74 of the Norfolk Island Plan requiring all Use or Development within the Heritage Overlay to be subject to Clause 5, which requires consent be given for all Use or Development.

Permitted use or development – means Use or Development that requires the NIRC's Development Approval (but not its consent). This type of Use or Development is not relevant within KAVHA by virtue of Clause 74 of the Norfolk Island Plan requiring all Use or Development within the Heritage Overlay to be subject to Clause 5, which requires consent be given for all Use or Development.

Permissible (with consent) use or development – means Use or Development that may only be carried out with Development Approval from Norfolk Island Regional Council (granted by the Minister acting upon recommendations from the Norfolk Island Regional Council Councillors), and which is also subject to conditions imposed by the Administrator, and is subject to any other approval, consent or permission required under any other enactment.

Place – means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.

Prohibited Use or Development – means Use or Development that may not be carried out under this plan

Proposed heritage item – means an object or place which is sought to be included in the Heritage Register whether by the making of the Register or variation of the Register

Reconstruction – means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material. New material may include recycled material salvaged from other places. This should not be to the detriment of any place of cultural significance.

Related object – means an object that contributes to the cultural significance of a place but is not at the place.

Related place - means a place that contributes to the cultural significance of another place.

Restoration – means returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.

Ruin – means any convict structure where less than 50 per cent of original fabric remains, but more than footings.

Setting – means the immediate and extended environment of a place that is part of or contributes to its cultural significance and distinctive character.

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.

Significant fabric – means fabric that is contributory to the heritage significance of the item.

Signs illuminated by an internal source – means any sign displayed on any outdoor advertising structure where the letters, background and / or images are illuminated by an internal source of light to make the message readable) are not permitted.

Subdivide – means to:

- a. Subdivide, under the provisions of the *Land Titles Act 1996 (NI)*, a single parcel of Land into two (2) or more separate Lots; or
- b. amalgamate, under the provisions of the *Land Titles Act 1996 (NI)*, 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 (NI)*; 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.

Temporary – means a period of four (4) calendar weeks or less.

Use (in relation to heritage) – means the functions of a place, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

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

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

Purpose definitions are defined within the Norfolk Island Plan 2002.



MINISTERIAL SUBMISSION

TO: Eric Hutchinson, Administrator of Norfolk Island and
Minister's Delegate under Item 1.78, Minister's Norfolk Island Delegation
Instrument 2017 (No.2).

FROM: Jodie Brown, Senior Strategic Planner

DATE: 19 August 2020

SUBJECT: *Planning Act 2002 (NI)*
Approval of Development Control Plan for Kingston and Arthurs Vale Historic Area

RECOMMENDATION:

That, as delegate of the Commonwealth Minister under Item 1.78, Minister's Norfolk Island Delegation Instrument 2017 (No.2), you –

- (a) annotate the attached draft development control plan to approve that draft development control plan under subsection 22 (a) of the *Planning Act 2002 (NI)*, to provide in greater detail than shown in the Norfolk Island Plan 2002 (as amended), standards and guidelines for use or development within the Kingston and Arthurs Vale Historic Area (KAVHA); and
- (b) annotate and approve the attached Gazette notice.

Annotated/Not Annotated

Administrator of Norfolk Island

Date:

4th September 2020

26-May-2020

Kingston and Arthur's Vale Historic Area

Development Control Plan





PLANNING ACT 2002

DEVELOPMENT CONTROL PLAN

I, Eric Hutchinson, Administrator of Norfolk Island, and delegate of the Commonwealth Minister under clause 5 of, and item 1.78 of the Schedule to the *Minister's Norfolk Island Delegation Instrument 2017 (No. 2)*, give notice under section 23 of the *Planning Act 2002 (NI)* that the draft development control plan to provide in greater detail than shown in the Norfolk Island Plan 2002 (as amended), standards and guidelines for use or development within the Kingston and Arthur's Vale Historic Area (KAVHA), is approved under subsection 22(a) of the *Planning Act 2002*, and that for the purposes of subsection 23(2)(a) of the *Planning Act 2002* the date of commencement of the approved development control plan is the date of publication of this Notice in the Gazette.

The approved development control plan is known as "Development Control Plan No. 7 – Kingston and Arthurs Vale Historic Area".

For the purposes of subsection 23(2)(b) of the *Planning Act 2002*, Development Control Plan No. 7 – Kingston and Arthurs Vale Historic Area is available for inspection at the Planning Office, New Military Barracks, Quality Row, Kingston, during normal business hours and at Norfolk Island Regional Council's website at <http://www.norfolkisland.gov.nf/planning-and-development-planning-instruments>

Dated: ^{4th} September 2020
August 2020

Eric Hutchinson
Administrator of Norfolk Island

