

Referral of proposed action

Project title: Construction of Residence: portion 66m1, Driver Christian Road, Norfolk Island 2899

1 Summary of proposed action

NOTE: You must also attach a map/plan(s) and associated geographic information system (GIS) vector (shapefile) dataset showing the location and approximate boundaries of the area in which the project is to occur. Maps in A4 size are preferred. You must also attach a map(s)/plan(s) showing the location and boundaries of the project area in respect to any features identified in 3.1 & 3.2, as well as the extent of any freehold, leasehold or other tenure identified in 3.3(i).

1.1 Short description

Portion 66m1, Driver Christian Road is a freehold title of 3331m² that sits immediately outside of the Kingston and Arthur's Vale Historic Area (KAVHA) boundary. KAVHA is one of eleven sites that make up the World Heritage listed Australian Convict Sites property.

This Referral seeks to demonstrate that building a private residence on portion 66m1 will not have any impact on the listed heritage values of KAVHA including the visual landscape.

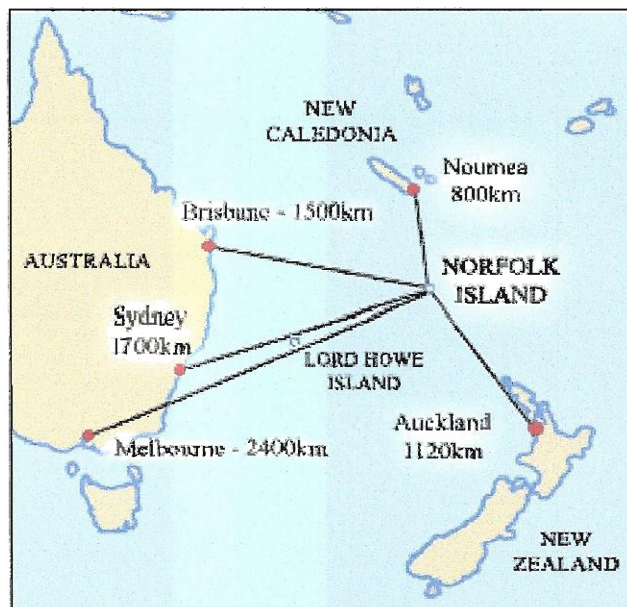
1.2 Latitude and longitude

location point	Portion 66m1, Driver Christian Road Norfolk Island
Latitude	29 degrees 3 minutes 17.905644 seconds
Longitude	167 degrees 58 minutes 23.52288 seconds

1.3 Locality and property description

Norfolk Island is a volcanic outcrop approximately 5km x 8km with an area of 34.5 square kilometres lying in the South Pacific Ocean, 1700km north-east from Sydney, 1500km east from Brisbane, 1120km north west of Auckland and 800km south south east of New Caledonia.

The territory of Norfolk Island also includes the uninhabited islands of Philip and Nepean (7km and 1km respectively south of Norfolk).



-
- 1.3 Portion 66m1 is a vacant portion of land located on Driver Christian Road on the south eastern side of Norfolk Island, approximately 3.8km from the centre of Burnt Pine township and 1.17km from the capital, Kingston.

In accordance with the Norfolk Island Plan 2002, portion 66m1 falls within the Rural use or development zone.



Of the 3331m2 freehold title the proposed residence totals 228m2 ie just over 5% of the total land.



1.6 Lot description

1.7 Local Government Area and Council contact (if known)

Mrs Jodie Quintal, Planning Officer, Administration of Norfolk Island
Email: planning@admin.gov.nf
Tp: + 6723 23595

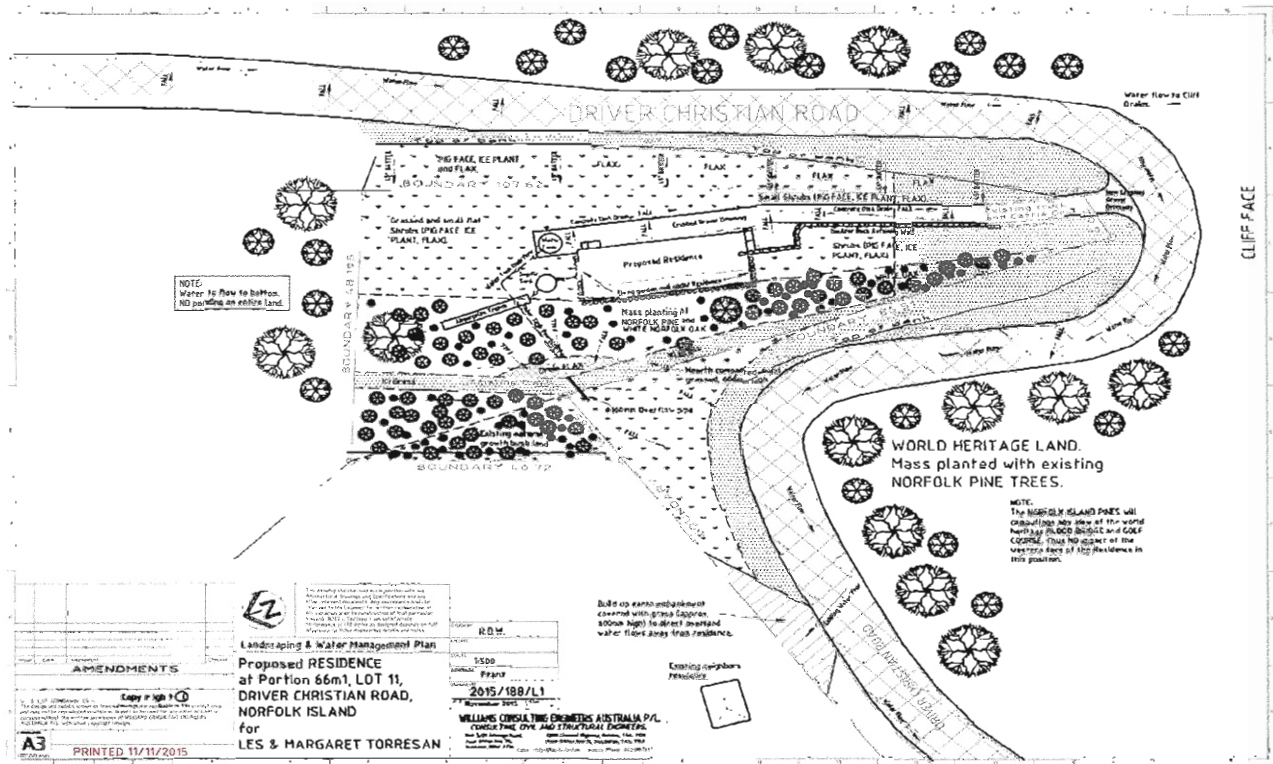
1.8 **Time frame**

Development will commence immediately following Development Approval and be completed within 12 months of approval.

1.9	Alternatives to proposed action Were any feasible alternatives to taking the proposed action (including not taking the action) considered but are not proposed?	✓	No – no alternatives proposed
			Yes, you must also complete section 2.2
1.10	Alternative time frames etc Does the proposed action include alternative time frames, locations or activities?	✓	No
1.11	State assessment Is the action subject to a state or territory environmental impact assessment?	✓	No
			Yes, you must also complete Section 2.5
1.12	Component of larger action Is the proposed action a component of a larger action?	✓	No
			Yes, you must also complete Section 2.7
1.13	Related actions/proposals Is the proposed action related to other actions or proposals in the region (if known)?	✓	No
			Yes, provide details:
1.14	Australian Government funding Has the person proposing to take the action received any Australian Government grant funding to undertake this project?	✓	No
			Yes, provide details:
1.15	Great Barrier Reef Marine Park Is the proposed action inside the Great Barrier Reef Marine Park?	✓	No
			Yes, you must also complete Section 3.1 (h), 3.2 (e)

2 Detailed description of proposed action

2.1 Description of proposed action



Four distinct activities are proposed on the vacant portion;

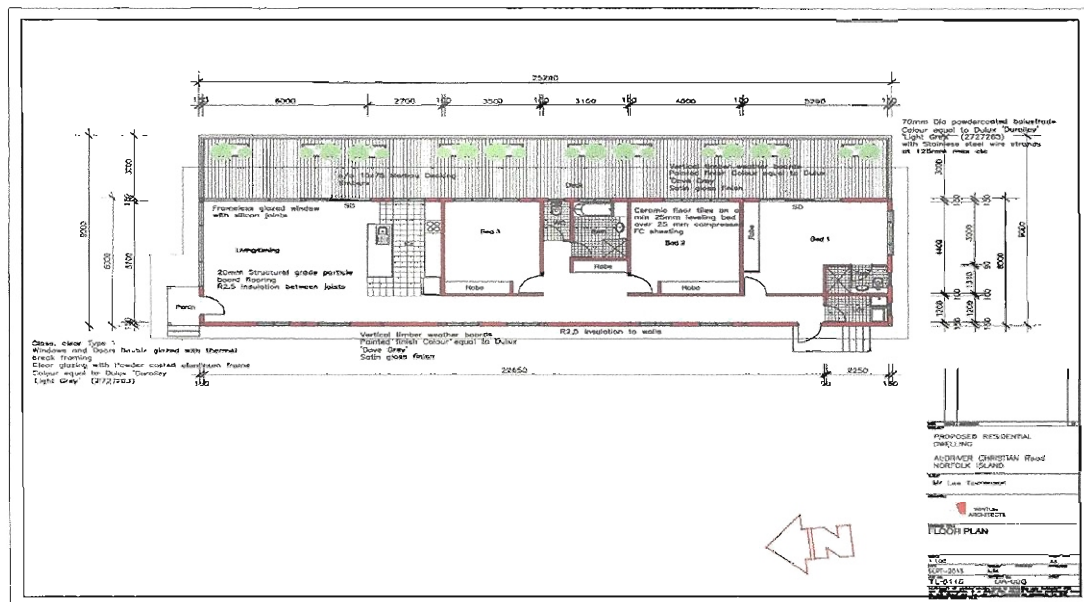
- **Earthworks:** the title being a steep portion of land has been surveyed (*Don Taylor Surveyors*) following geotechnical assessment by civil engineers (*Geotechnique Pty Ltd*) to confirm stability of proposed construction site and design appropriate water management and landscaping options (*Williams Consulting Engineers, Australia Pty Ltd*) -refer attached documents 2.1 (a)(b)&(c)



Earthworks include extension of the existing access onto the land constructed along the contour to the proposed dwelling, and excavation for siting of two water tanks, septic tank and an absorption trench. Retaining walls, fill and excavations are to engineer assessment and specification.

As well, eighteen support piles will be installed as per engineering detail that will form the secure substructure platform the dwelling will be constructed upon -refer attached document 2.1 (d)

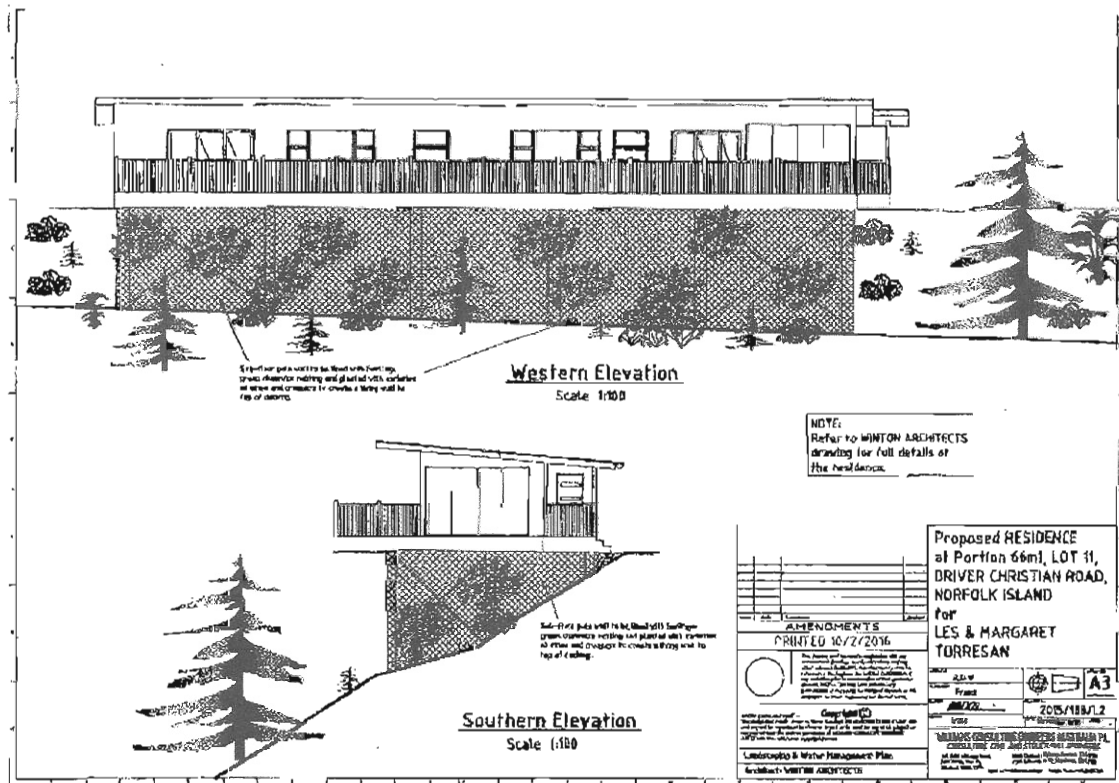
- Construction of modest single storey residence:** The 3 bedroom 2 bathroom residence designed by *Winston Architects* is to be built on a substructure platform. The house includes a 3 metre wide timber deck and a flat Colorbond roof at 5 degree roof pitch. The form and finishes to the residence including non-reflective glass, colours selected, use of crushed compacted natural stone to minimise use of concrete and non-reflective railings, ensure the development is visually unobtrusive and nests neatly within the open hill face. Refer attached documents 2.1 (e)



- Water Management systems:** Controls will be put in place to ensure overflow from tank storage is discharged by pipes to a vegetated collection pond to manage site stormwater control. This will also include discharge from the driveway. Water that currently runs across Driver Christian Road and into the neighbour's property below the site is proposed to be diverted by the construction of a low grassed earth mound or berm along the footpath reserve to ensure water crossing over Driver Christian Road is directed down Driver Christian Road in a westerly direction to the culvert before Bloody Bridge where it flows via the current drain under the bridge, out to the ocean.

The Water Management system is engineered by *Ralph Williams Civil and Structural Engineers*.

- **Landscape planting and screening:** the development will be completed with dense planting below the dwelling of native plants particularly flax *Phormium tenax* for soil stabilisation, and a variety of other endemic tree species that will in time completely screen the built structure when viewed downslope on the south and west side of Driver Christian Road. Refer attached documents 2.1 (f)



The dwelling itself is to be provided with latticework to the three subfloor elevations, and planted with climbers to create a living wall when viewed from below. The remainder of the area of the site at each end of the dwelling and upslope of the dwelling is to be dense plated with flax, pigface, ice plants and similar.

The establishment of the full landscaping will ensure that the visual impact of the dwelling when viewed from the heritage area is minimal.

The property will be completely fenced in a rural style using hardwood posts to exclude cattle access and prevent erosion to areas remediated through landscape improvements.

A full set of plans for the proposed development is included at Attachment 2.1 (g).

2.2 Alternatives to taking the proposed action

There are no alternatives: This is a modest residential improvement to a vacant portion of land that offers opportunity to correct erosion impacts of open cattle grazing and enhance the visual element from an unkept noxious weed habitat to a landscape vegetated with native trees and plants that complement and screen the residential dwelling.



2.3 Alternative locations, time frames or activities that form part of the referred action

Not applicable.

2.4 Context, planning framework and state/local government requirements

Land use, planning and development control in Norfolk Island is regulated by the Norfolk Island Government under a number of Acts and Plans but primarily by the *Norfolk Island Plan 2002* which operates under the *Planning Act 2002 (NI)*. The Plan requires all development applications that relate to land **within** the area of KAVHA to be referred to the KAVHA Management Board for comment. This application relates to land outside of the KAVHA boundary.

For development applications relating to land in the vicinity of a heritage item, the executive member is required to take into account the likely effect of the proposed development on the heritage significance of the item (clause 107) and corporations are required to consider the potential impact of the action on KAVHA in accordance with the EPBC Act¹.

The landscape setting of KAVHA is identified in the Norfolk Island Plan which controls development within the cultural landscape setting. One of the objects of conserving the place is to protect important views to KAVHA and vistas from within KAVHA, such as the view from the pier, as well as views across the site from vantage points such as Flagstaff Hill and the Queen Elizabeth II lookout. Management involves the assessment of the impact of development within KAVHA and within the vicinity of KAVHA to be considered to ensure that it does not have a detrimental impact on the setting and character of the place².

¹ Pg 70 5.2.1 Development in the Vicinity of KAVHA; KAVHA Conservation Management Plan December 2008

² Pg 95 6.2.1 Setting Character Vista's; KAVHA Conservation Management Plan December 2008

2.5 Environmental impact assessments under Commonwealth, state or territory legislation

If you have identified that the proposed action will be or has been subject to a state or territory environmental impact statement (in section 1.11) you must complete this section. Describe any environmental assessment of the relevant impacts of the project that has been, is being, or will be carried out under state or territory legislation. Specify the type and nature of the assessment, the relevant legislation and the current status of any assessments or approvals. Where possible, provide contact details for the state/territory assessment contact officer.

Describe or summarise any public consultation undertaken, or to be undertaken, during the assessment. Attach copies of relevant assessment documentation and outcomes of public consultations (if available).

There are no environmental impacts of the proposed development. The land is not subject to any protection or restrictions on the basis of identified or registered habitat of any significant species or biodiversity.

Vegetation on the portion is to be enhanced from mostly noxious weed overgrowth to careful and tasteful native plantations that will in time vastly improve the visual element of the property as well as stabilise the slope and screen the developments.

2.6 Public consultation (including with Indigenous stakeholders)

Under Norfolk Island legislation all development applications are publicly exhibited and public comments invited on the proposed development which are considered by a statutory Board who assess Development Applications and make recommendation through the Planning Officer to the responsible executive member (or delegate).

All Development Applications are gazetted in the islands Government Gazette to give public notice of proposed development and advice of where information in respect of the application is located.

As owners of the land to be developed we have had extensive meetings with the broad range of local stakeholders including the Commonwealth Heritage Manager and Planning Officer in official capacities, local contractors in respect of earthworks, environmental elements, landscaping, construction works, construction materials, utility services, water and waste management and transportation arrangements. As well we have consulted openly with our immediate neighbours and taken on board erosion and water management concerns which are accommodated within our plans through provision of off-site solutions to mitigate potential risks.

At all stages of this project we have been available and open to discuss our intentions and hear of both local and external advice of how our plans can be best achieved. This approach will remain for the duration of the works to ensure the community generally supports our efforts and investment, and the development is seen as making a positive contribution to the area and island broadly.

2.7 A staged development or component of a larger project

There is no intention to stage the proposed works. With the appropriate approvals we seek to commence and complete the works in an organised and timely manner which allows us to make good of our investment and relocate to our preferred place of dwelling.

3 Description of environment & likely impacts

3.1 Matters of national environmental significance

Describe the affected area and the likely impacts of the proposal, emphasising the relevant matters protected by the EPBC Act. Refer to relevant maps as appropriate. The interactive map tool can help determine whether matters of national environmental significance or other matters protected by the EPBC Act are likely to occur in your area of interest.

Your assessment of likely impacts should refer to the following resources (available from the Department's web site):

- specific values of individual World Heritage properties and National Heritage places and the ecological character of Ramsar wetlands;
- profiles of relevant species/communities (where available), that will assist in the identification of whether there is likely to be a significant impact on them if the proposal proceeds;
- *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance*; and
- associated sectoral and species policy statements available on the web site, as relevant.

Your assessment of likely impacts should consider whether a bioregional plan is relevant to your proposal. The Minister has prepared four marine bioregional plans (MBP) in accordance with section 176. It is likely that the MBP's will be more commonly relevant where listed threatened species, listed migratory species or a Commonwealth marine area is considered.

Note that even if your proposal will not be taken in a World Heritage area, Ramsar wetland, Commonwealth marine area, the Great Barrier Reef Marine Park or on Commonwealth land, it could still impact upon these areas (for example, through downstream impacts). Consideration of likely impacts should include both direct and indirect impacts.



3.1 (a) World Heritage Properties

Description

KAVHA is one of 11 Australian heritage sites that together form the Australian Convict Sites World Heritage listed property.

The Australian Convict Sites property was determined in 2010 to have Outstanding Universal Value under the following criterion;

(iv) to be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;

(vi) to be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria);

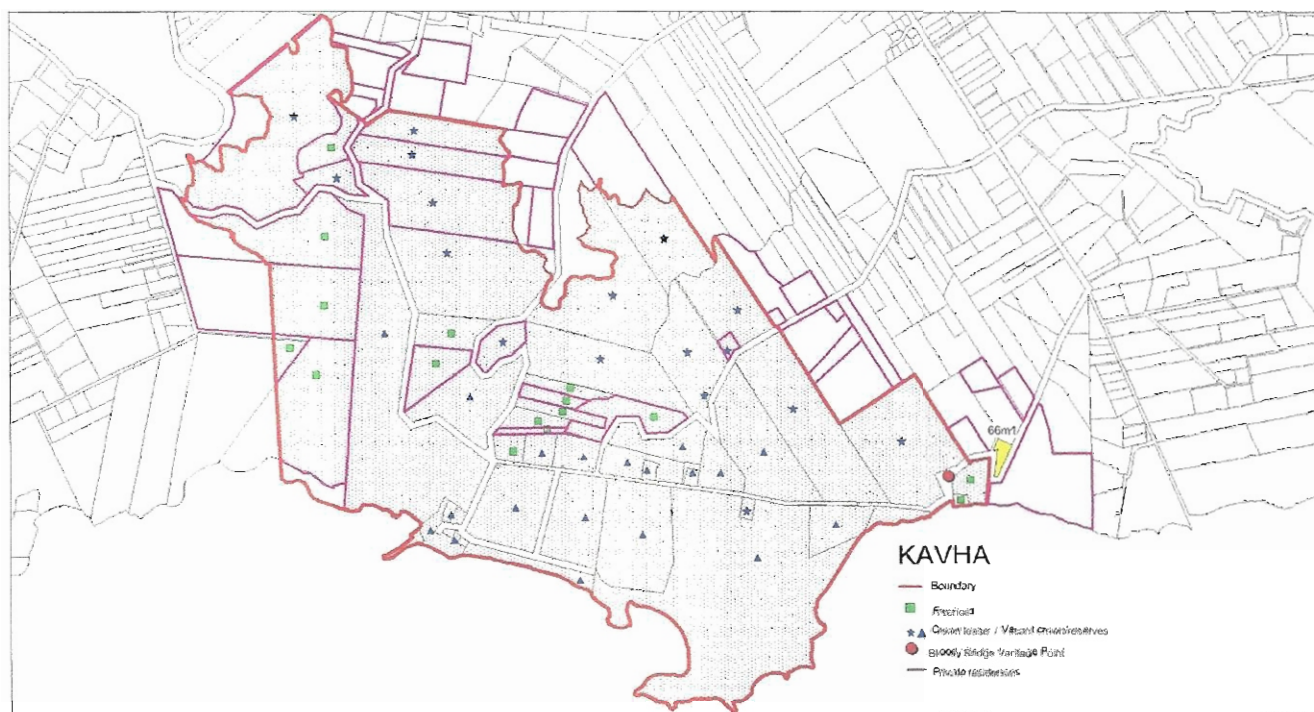
The specific response to the criteria in the official Statement of Outstanding Universal Value for the Australian convict sites provides;

Criterion (iv): The Australian convict sites constitute an outstanding example of the way in which conventional forced labour and national prison systems were transformed, in major European nations in the 18th and 19th centuries, into a system of deportation and forced labour forming part of the British Empire's vast colonial project. They illustrate the variety of the creation of penal colonies to serve the many material needs created by the development of a new territory. They bear witness to a penitentiary system which had many objectives, ranging from severe punishment used as a deterrent to forced labour for men, women and children, and the rehabilitation of the convicts through labour and discipline.

Criterion (vi): The transportation of criminals, delinquents, and political prisoners to colonial lands by the great nation states between the 18th and 20th centuries is an important aspect of human history, especially with regard to its penal, political and colonial dimensions. The Australian convict settlements provide a particularly complete example of this history and the associated symbolic values derived from discussions in modern and contemporary European society. They illustrate an active phase in the occupation of colonial lands to the detriment of the Aboriginal peoples, and the process of creating a colonial population of European origin through the dialectic of punishment and transportation followed by forced labour and social rehabilitation to the eventual social integration of convicts as settlers.

Nature and extent of likely impact

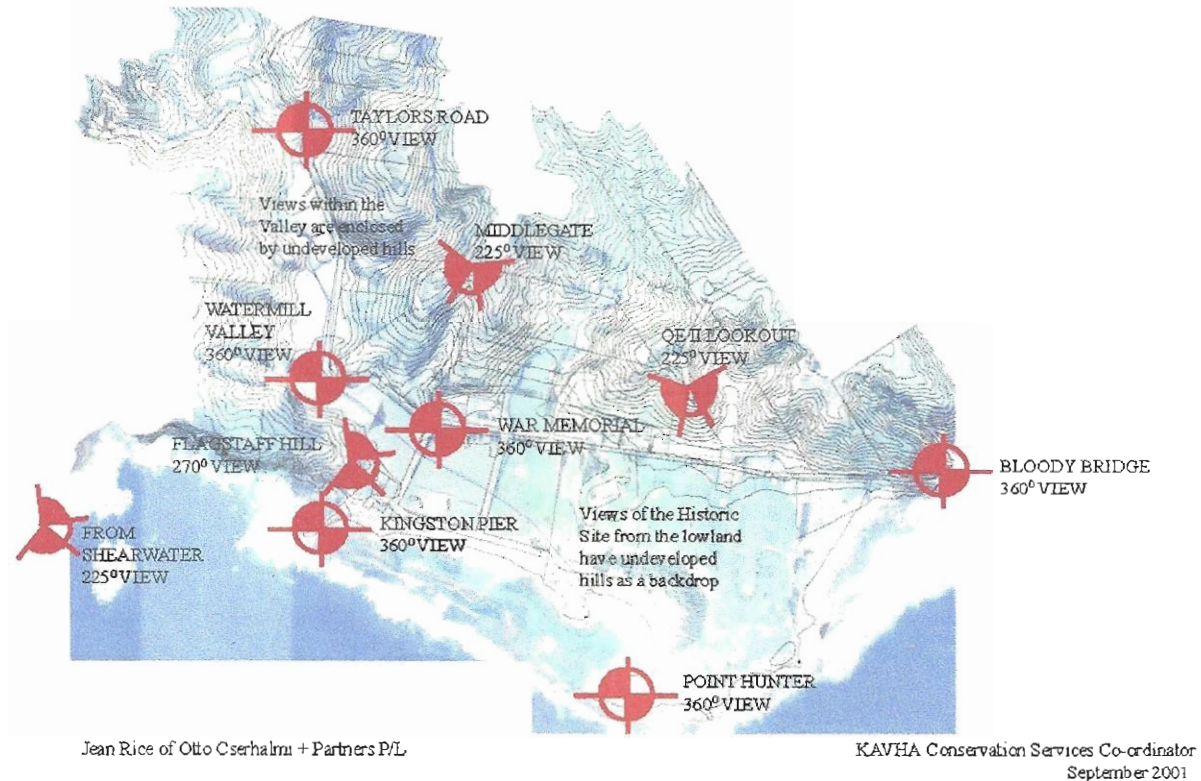
Address any impacts on the World Heritage values of any World Heritage property.



Heritage values that contribute to the Outstanding Universal Value are protected under the Commonwealth Environment Protection and Biodiversity Act and managed under an approved Management Plan adopted under this legislation. For KAVHA the current management framework is the 2008 Conservation Management Plan (herein KAVHA CMP) which has recently been reviewed and is in the final stages of completion.

The KAVHA CMP does not establish specific policies to protect the World Heritage listed values however the plan anticipates the possibility of the inscription and requires protection of the cultural landscape and visual setting of the place.

The proposed development is not within the heritage site so triggers none of the policies relating to conservation of the place however could be assessed for possible effect on the visual setting.



A 2001 Landscape Guide for KAVHA prepared by *Cserhalmi & Partners P/L* (refer Attachment 3.1(a)) provides at page 4 a map of the 10 Vantage Points from which the visual setting of KAVHA is to be protected. Of these ten points, the proposed development is within the proximity of Bloody Bridge only.

The Landscape Guide for KAVHA lists for Development Guidelines;

- **Heritage Impact** – Assess proposals for impact on the historic buildings and their setting
- **Skyline** – Site development so as not to break the skyline
- **Views** – Site developments so they do not impact on vistas from and into the historic area
- **Scale** – limit the scale and massing of developments to domestic or farm scale
- **Screening** – screen developments by appropriate planting or other means
- **Non Reflective materials** – use non reflective materials. Avoid light coloured or highly reflective roofing materials. Shade large exposed areas of glass with an awning or verandah
- **Lights** – avoid light spill at night by using movement or other detectors or shielding for external lights

From the Bloody Bridge vantage point, portion 66m1 is already completely screened by existing native vegetation as shown in the recent photo below taken within KAVHA behind the entry sign located at the Bloody Bridge boundary. The proposed area to be developed is around the corner of the visible road which cannot be seen at all from within KAVHA.



From the Point Hunter vantage point neither Bloody Bridge nor portion 66m1 can be seen. An existing approved dwelling approximately 50 metres above our portion of land is however visible from the Point Hunter vantage point.

There is no impact to the historic buildings and their setting; the skyline; the views or vistas from the project.

Scale, screening and selection of sympathetic finishes to the built structures are in accordance with all policies set out in the 2001 Landscape Guide and consistent with the KAVHA CMP.

3.1 (b) National Heritage Places

Description

KAVHA was registered on the National Heritage List in 2007 (Place ID 105962).

KAVHA was determined to have National Heritage Values under the following criterion;

- (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history**
- (b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history**
- (c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history**
- (d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:**
 - i. a class of Australia's natural or cultural places; or**
 - ii. a class of Australia's natural or cultural environments;**
- (e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group**
- (g) the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons**
- (h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history**

The official National Heritage values under the NHL criteria of the KAVHA site are;

Criterion A—Events, Processes

KAVHA is outstanding as a convict settlement spanning the era of convict transportation to eastern Australia. It is a cultural landscape comprising a large group of buildings from the convict era, some modified during the Pitcairn period (the Third Settlement), substantial ruins and standing structures, archaeological remains, landform and landscape elements.

KAVHA is of outstanding national significance in demonstrating the role of the penal systems and changes in penal philosophy in the Australian colonies from 1788-1855.

KAVHA is important for its role in the evolution of the colonies of both Van Diemen's Land and New South Wales. The buildings, archaeological remains and landforms of the First Settlement illustrate British convict settlement at the beginning of European occupation of Australia.

The design and layout, buildings, archaeological remains, engineering works and landscaping of the KAVHA Second Settlement (1825-1855) demonstrate the planning and operation of a nineteenth century penal settlement with a very high degree of integrity.

KAVHA is an outstanding example of a place of severe punishment. It was purposefully established to be the extreme element in the overall convict management system. Its aim was to create fear and prevent crime and re-offending. It became known as 'hell in paradise' for its brutal and sadistic treatment of inmates and this reputation spread beyond the colonies to Britain and ultimately served to fuel the anti-transportation debate. The Second Settlement buildings and archaeological remains of the convict establishment, the New Gaol, the Prisoners' Barracks, and the Crankmill demonstrate the harshness and severity of the treatment of convicts.

Criterion B—Rarity

Kingston and Arthur's Vale Historic Area (KAVHA) is uncommon as a place where a distinctive Polynesian/European community has lived and practised their cultural traditions for over 150 years. Aspects of the Third Settlement period including the artefacts, archives, Pitcairn language and ongoing use of the cemetery are of national significance.

Criterion C—Research

The KAVHA artefact collections, the buildings in their landscape setting, the archaeological remains and the documentary records have significant potential to contribute to understanding the living and working conditions of convicts, the military and civil establishment, women and children, and changes in penal practice and philosophy during the span of convict transportation.

KAVHA has research potential to yield information on pre-European Polynesian culture, exploration and settlement patterns.

Criterion D—Principal Characteristics of a Class of Places

KAVHA demonstrates the principal characteristics of a longstanding penal settlement in its physical layout, governance arrangements, the management and control of convicts, and the functional arrangements associated with settlement.

It has substantial ruins, standing structures and archaeological sub-surface remains related to its operation as a place of primary incarceration and early settlement, as a place of secondary punishment and finally as a place spanning both incarceration and secondary punishment.

The 1829 Government House, one of the earliest and most intact remaining government house buildings in Australia, is positioned prominently on Dove Hill with commanding views of the military precinct, colonial administration, convict quarters, farmland and the pier. The military precinct on Quality Row contains two extant barracks complexes: the Old Military Barracks and officers quarters constructed between 1829-1834 surrounded by high walls giving it an appearance of a military fortress; and the New Military Barracks commenced in 1836 which follows a similar fortress-like design. The Commissariat Store (now All Saints Church) (1835) is the finest remaining colonial (pre 1850) military commissariat store in Australia. The Old Military Barracks, together with the Commissariat Store and the New Military Barracks, form a group of buildings which is the most substantial military barracks complex in Australia dating from the 1830s. The military complexes are positioned in view of the convict precinct located closer to the water and at a lower elevation to optimise surveillance. Nine houses in Quality Row built from 1832-47 provided quarters for military and civil officers. The archaeological remains of the two convict gaols, the perimeter walls and archaeological remains of the Prisoners' Barracks (1828-48) with the Protestant Chapel, show the development of penal philosophies with the original gaol built for barrack type accommodation while the extant remains of the New Prison and its perimeter walls (1836-40, 1845-57) provides a rare representation of a radial design. The role of harsh labour as punishment is evident in the archaeological remains of the blacksmith's shop (1846); lumber yard; water mill; the crankmill (1827-38), the remains of the only known human powered crankmill built in Australia before 1850; the salt house (1847); the windmill base (1842-43); lime kilns; the landing pier (1839-47) and sea wall, two of the earliest remaining large scale engineering works in Australia. The possibility of reform is evident in the Protestant and Catholic clergyman's quarters.

The settlement patterns are evident in the existing street layout and in the buildings along Quality Row which form the most extensive street of pre 1850 penal buildings in Australia. The functioning of the settlement is evident in the remains of institutions, buildings and precincts such as the commandant's house; magistrate's quarters; the ruins of the hospital, built on First Settlement remains (1829); the Surgeon's quarters and kitchen (1827), on the site of a First Settlement Government House, one of the earliest European dwellings in Australia; the Royal Engineer's office and stables (1850); the Beach Store, a former commissariat store (1825); a double boat shed (1841); the Police Office, now boatshed (1828-29); the flaghouse (1840s); Constable's Quarters, partly standing (1850-53); and the cemetery which has an outstanding collection of headstones and other remains dating from the earliest period of European settlement, including the first and second penal settlement periods and the Pitcairn period with associations with the Bounty, set in an evocative and picturesque historical landscape. Many stone walls, wells, drains, building platforms, bridges including Bloody Bridge, culverts, roads, quarry sites, privies and archaeological sites of former buildings remain which are important in demonstrating the rich patterns of KAVHA's settlement history. The remnant serpentine landscape is an outstanding example of colonial period (pre-1850) attitudes to landscape design in Australia.

Criterion E—Aesthetic Characteristics

KAVHA is outstanding for its picturesque setting, historic associations, part ruinous configuration and subsequent lack of development. The aesthetic qualities of the landscape have been acknowledged since the First Settlement, forming the subject matter of an artistic record that has continued to the present.

Elements that contribute to the aesthetic qualities of the place include the sea, reef and islands, historic graves, Quality Row buildings, the New Gaol and prisoner's barracks in a ruinous state, and the extent of the nineteenth century buildings. The picturesque landscape setting, with its domestic scale and agricultural character, is valued for the contrast it represents between the horror of the past and the charm of the present.

KAVHA is outstanding for its views across the site, within the site, from the site to the seascape, and views of the site in its landscape setting

Criterion G—Social Value

KAVHA was the landing place of the Pitcairn Islanders in 1856. Their descendants today comprise nearly a third of Norfolk Island's population. They value KAVHA as a place of special significance because it has been continually and actively used as a place of residence, work, worship and recreation

KAVHA is valued by the Norfolk Island residents for being a place of traditional and ongoing uses, including the continuity of a working waterfront at the Landing Pier; the centre of Norfolk Island administration; continuing religious worship at All Saints Church and the community's burial place at the cemetery; areas for recreation and sports; and as the cultural centre with cultural and social events, museums and archaeological sites.

Criterion H—Significant People

KAVHA is significant for its association with Lt Philip Gidley King RN in successfully establishing the First Settlement on Norfolk Island at the KAVHA site which contributed to the survival of the infant colony of New South Wales.

KAVHA is significant for its association with Alexander Maconochie who formulated and applied most of the principles on which modern penology is based during the period he was Superintendent of Norfolk Island.

Nature and extent of likely impact

[Address any impacts on the National Heritage values of any National Heritage place.](#)

Whilst the National Heritage listing is more detailed and prescriptive about the specific site historic elements, in respect of the proposed activity which is outside of the KAVHA boundaries, the question of potential impact is the same as for the World Heritage consideration which is responded to in detail at 3.1 (a) above, relating to the visual setting only.

The proposed development on the subject portion will have no impact on the National Heritage Values of KAVHA.

3.1 (c) Wetlands of International Importance (declared Ramsar wetlands)

Description

There are no declared Ramsar wetlands within the area.

Nature and extent of likely impact

Address any impacts on the ecological character of any Ramsar wetlands.

Not applicable

3.1 (d) Listed threatened species and ecological communities

Description

A listed Critically Endangered endemic species of a small daisy-like flowering plant *Senecio evansianus* has a limited number of sites across the island and relies on the soil under the large Norfolk Island pines for its ongoing survival. Refer Attachment 7.1 for information about this species.

Nature and extent of likely impact

Water management described at 2.1 (page 10) above recognises the importance of preventing erosion and loss of soil on site and in the adjacent Bloody Bridge area where the endangered species is recorded to exist.

3.1 (e) Listed migratory species

Description

There are species of birds in the vicinity of the project area with habitats within native vegetation both surrounding the said portion and within KAVHA.

The listed migratory species *Phaethon rubricauda roseotincta* (red-tailed Tropic Bird) nests in the Bloody Bridge area and on the cliffs adjacent to the site from November to May.

Listed migratory species, the White terns *Gygis alba* and white capped *Anous minutus* also breed in the vicinity and nest within the Bloody Bridge area between October and April.

Nature and extent of likely impact

Noise or excessive vibration during nesting times may be considered a risk particularly when drilling holes for the substructure platform or undertaking earthworks.

Proposed machinery to be used on site includes a 20 tonne excavator to;

- cut out driveway (approximately 6 hours)
- Drilling of Eligal piles (approximately 15 hours)
- Drilling out of Structural Poles (approximately 12 hours)

All of the above works will take place at intervals of 3 to 4 days apart.

Vibrations is zero as there is no rock to be broken.

The proximity of the building site to nesting birds is more than 50 metres away.

The 20 tonne excavator will run at 85-87 decibels in noise factor at 2,200 revs per minute. No machinery used in site will surpass these levels. Drills 25 decibels, generator 40 decibels, hand tools, hammer 25 decibels.

By contrast, the road parallel to the nesting grounds which has a climb of approximately half a kilometre, has a consistent traffic flow of approximately 10-15 vehicles or more per hour including loaded trucks. Traffic noise on the uphill climb adjacent to the nesting areas regularly exceeds 95-100 decibels year round.

3.1 (f) Commonwealth marine area

(If the action is in the Commonwealth marine area, complete 3.2(c) instead. This section is for actions taken outside the Commonwealth marine area that may have impacts on that area.)

Description

Portion 66m1 is not within a Commonwealth marine area. Adjacent to the site cliffs meet Commonwealth waters which is a dynamic area with constant wave action and rolling boulders resulting in an area that supports minimal marine life.

Nature and extent of likely impact

The adjacent coastline and water discharge from the natural watercourse below this site will be protected by the implementation of a proper water management and drainage as identified at 2.1 (page 10) previously.

3.1 (g) Commonwealth land

(If the action is on Commonwealth land, complete 3.2(d) instead. This section is for actions taken outside Commonwealth land that may have impacts on that land.)

Description

The proposed activity is not within Commonwealth land.

Nature and extent of likely impact

The proposed development will have no impact on the adjacent commonwealth heritage listed property as addressed at 3.1(a) above under World Heritage property

3.1 (h) The Great Barrier Reef Marine Park

Description

The proposed activity is not within the Great Barrier Reef Marine Park.

Nature and extent of likely impact

Address any impacts on any part of the environment of the Great Barrier Reef Marine Park.

Not applicable

3.1 (i) A water resource, in relation to coal seam gas development and large coal mining development

Description

If the action is a coal seam gas development or large coal mining development that has, or is likely to have, a significant impact on water resources, the draft *Policy Statement Significant Impact Guidelines: Coal seam gas and large coal mining developments—Impacts on water resources* provides further details on the type of information needed.

The proposed activity does not relate to a water resource, coal seam gas or coal mining development.

Nature and extent of likely impact

Not applicable

3.2 Nuclear actions, actions taken by the Commonwealth (or Commonwealth agency), actions taken in a Commonwealth marine area, actions taken on Commonwealth land, or actions taken in the Great Barrier Reef Marine Park

3.2 (a)	Is the proposed action a nuclear action?	✓	No
			Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment

3.2 (b)	Is the proposed action to be taken by the Commonwealth or a Commonwealth agency?	✓	No
			Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment

3.2 (c)	Is the proposed action to be taken in a Commonwealth marine area?	✓	No
			Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(f))

3.2 (d)	Is the proposed action to be taken on Commonwealth land?	✓	No
			Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(g))

3.2 (e)	Is the proposed action to be taken in the Great Barrier Reef Marine Park?	✓	No
			Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(h))

3.3 Other important features of the environment

3.3 (a) Flora and fauna

A listed Critically Endangered endemic species of a small daisy-like flowering plant *Senecio evansianus* has a limited number of sites across the island and relies on the soil under the large Norfolk Island pines for its ongoing survival. Water management described at 2.1 (page 10) above recognises the importance of preventing erosion and loss of soil both on site and in the vicinity of the pine habitat near Bloody Bridge.

No protected flora or fauna will be affected by this application.

3.3 (b) Hydrology, including water flows

There are no significant water flows at the project area or in the immediate vicinity of the project area. There is a creek to the east of the subject land ("Bloody Bridge Creek") that drains off the cliff into the ocean adjacent from the subject land; however water flows are generally extremely low.

The proposed development will not affect the water flow or water quality in the creek.

3.3 (c) Soil and Vegetation characteristics

There is no important soil or vegetation characteristics affected by this application. The development will stabilise the soil on a site that currently has areas of bare soil by the use of planting and garden walls.

3.3 (d) Outstanding natural features

Outstanding natural features in the vicinity of the project area include areas of uncleared native vegetation including healthy mature Norfolk Island Pine trees and the scenic, visually attractive cliff top and coastline.

The uncleared native vegetation at the Bloody Bridge boundary of KAVHA provides a natural screen from the project area of listed trees protected under local legislation that cannot be removed.

There are no outstanding natural features that will be impacted by this application.



3.3 (e) Remnant native vegetation

There are species of birds in the vicinity of the project area with habitats within native vegetation. As in 3.3(d) above this area acts as a natural screen to the project area and will be further enhanced when the project site planting matures and provides a secondary area of native vegetation to the heritage site.

No remnant native vegetation will be affected by this application.

3.3 (f) Gradient (or depth range if action is to be taken in a marine area)

The development is not within a marine area.

3.3 (g) Current state of the environment

Include information about the extent of erosion, whether the area is infested with weeds or feral animals and whether the area is covered by native vegetation or crops.

A vacant portion of land that offers opportunity to correct erosion impacts of open cattle grazing and enhance the visual element from an unkempt noxious weed habitat to a landscape vegetated with native trees and plants to complement the surrounding properties and screen the new residential dwelling.



Engineering assessment has identified water flow following tracks made by cattle from open access to the land. Once developed, the land will be fenced to keep cattle outside of the boundaries .

Site factors such as slope angles, depth of insitu soils, strength of sub-surface materials and concentrations of water that generally govern the stability of a site have been assessed (*Geotechnique Pty Ltd*) and declared suitable for construction of the proposed residence.

3.3 (h) Commonwealth Heritage Places or other places recognised as having heritage values

The Commonwealth owned areas of KAVHA (Crown Lands and Public Reserves) are included in the Commonwealth Heritage List for their important associations with four distinct settlement periods – the pre-European/ Polynesian occupation, the First and Second convict settlements and the Pitcairn settlement.

The subject land is freehold and not included in the Commonwealth Heritage property or Public Reserves.

Heritage values related to this application are addressed in detail at 3.1(a) above.

3.3 (i) Indigenous heritage values

There are no listed Indigenous heritage values related to this application.

3.3 (j) Other important or unique values of the environment

The subject land is close to Cemetery Reserve, a Public Reserve under the *Norfolk Island Public Reserves Act 1997* however the provisions of the Cemetery Reserve Plan of Management do not affect the subject land and the proposed development will not affect the Cemetery Reserve.

There are no other important or unique values related to this application outside of heritage which is addressed at 3.1(a) above.

3.3 (k) Tenure of the action area (eg freehold, leasehold)

The land is freehold title.

3.3 (l) Existing land/marine uses of area

The land is currently a vacant and open portion of land.

3.3 (m) Any proposed land/marine uses of area

There are no proposed marine uses.

The land is only proposed to for use as a place of residence.

4 Measures to avoid or reduce impacts

Every care has been taken in developing this project to ensure minimal disturbance and improvement of the land and amenity from the proposed activity.

Whilst legislation does not require this Referral to be made, we have done so to ensure total transparency in our proposal and intentions and the best outcome for all stakeholders.

We are of the view that our modest development will have no impact on the heritage values of the adjacent heritage site. For the surrounding properties outside of the heritage site, our project will add aesthetic value to the area as a whole.

It is noted that there are residences on each of the adjoining properties which are carefully screened through native plantings. The proposed dwelling is modest and small in scale and designed to be recessive in the landscape. It is our intention to adopt this approach also and in doing so, improve the use and visual presentation of the subject portion of land.

5 Conclusion on the likelihood of significant impacts

Identify whether or not you believe the action is a controlled action (ie. whether you think that significant impacts on the matters protected under Part 3 of the EPBC Act are likely) and the reasons why.

5.1 Do you THINK your proposed action is a controlled action?

<input checked="checked" type="checkbox"/>	No, complete section 5.2
<input type="checkbox"/>	Yes, complete section 5.3

5.2 Proposed action IS NOT a controlled action.

Specify the key reasons why you think the proposed action is NOT LIKELY to have significant impacts on a matter protected under the EPBC Act.

The proposed development is;

- on land outside of the heritage boundary
- screened by existing native vegetation within the heritage boundary
- consistent with parameters contained within KAVHA's Conservation Management Plan (2008) and Landscape Guides (2001)
- not the only built structure within the area – in fact all adjoining freehold properties including one within and one in closer proximity to KAVHA - have residential development, and
- the project will have no bearing on any aspect protected under the EPBC Act.

5.3 Proposed action IS a controlled action

Type 'x' in the box for the matter(s) protected under the EPBC Act that you think are likely to be significantly impacted. (The 'sections' identified below are the relevant sections of the EPBC Act.)

Not applicable

Matters likely to be impacted

<input type="checkbox"/>	World Heritage values (sections 12 and 15A)
<input type="checkbox"/>	National Heritage places (sections 15B and 15C)
<input type="checkbox"/>	Wetlands of international importance (sections 16 and 17B)
<input type="checkbox"/>	Listed threatened species and communities (sections 18 and 18A)
<input type="checkbox"/>	Listed migratory species (sections 20 and 20A)
<input type="checkbox"/>	Protection of the environment from nuclear actions (sections 21 and 22A)
<input type="checkbox"/>	Commonwealth marine environment (sections 23 and 24A)
<input type="checkbox"/>	Great Barrier Reef Marine Park (sections 24B and 24C)
<input type="checkbox"/>	A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E)
<input type="checkbox"/>	Protection of the environment from actions involving Commonwealth land (sections 26 and 27A)
<input type="checkbox"/>	Protection of the environment from Commonwealth actions (section 28)
<input type="checkbox"/>	Commonwealth Heritage places overseas (sections 27B and 27C)

Specify the key reasons why you think the proposed action is likely to have a significant adverse impact on the matters identified above.

6 Environmental record of the responsible party

NOTE: If a decision is made that a proposal needs approval under the EPBC Act, the Environment Minister will also decide the assessment approach. The EPBC Regulations provide for the environmental history of the party proposing to take the action to be taken into account when deciding the assessment approach.

	Yes	No
<p>6.1 Does the party taking the action have a satisfactory record of responsible environmental management?</p> <p>Provide details</p> <p>Proponents have 30+ year's experience in the construction industry as principals of <i>Fernhill Homes</i> in Sydney. At all times compliance with state and national laws has been at the forefront of the business operations. Proponents have a clean record of conduct within the industry and the Australian community. Proponents have also been involved in conservation work with the Mulgoa Valley Heritage group, with repairium work to Mulgoa Creek and Mulgoa National Park which adjoins their property. For the last 10 years involvement in weed eradication and replanting of native trees, shelter for native animals and the eradication of feral animals. The proponents are very keen gardeners and have a much love for the environment.</p>	✓	
<p>6.2 Has either (a) the party proposing to take the action, or (b) if a permit has been applied for in relation to the action, the person making the application - ever been subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources?</p> <p>If yes, provide details</p>		✓
<p>6.3 If the party taking the action is a corporation, will the action be taken in accordance with the corporation's environmental policy and planning framework?</p> <p>If yes, provide details of environmental policy and planning framework</p>		✓
<p>6.4 Has the party taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?</p> <p>Provide name of proposal and EPBC reference number (if known)</p>		✓

7 Information sources and attachments

(For the information provided above)

7.1 References

References

- Geology of Norfolk Island, Helen Sampson
- Practice Note Guidelines for Landslide Risk Management 2007 Australian Geomechanics Society Landslide Taskforce
- Environment Protection and Biodiversity Conservation Act 1999 Commonwealth of Australia
- KAVHA Conservation Management Plan 2008
- 2001 Landscape Guide for KAVHA *Cserhalmi & Partners P/L* (refer Attachment 3.1(a))
- New Zealand Botanical Society Newsletter # 56, June 1999 pp 11-13 (refer Attachment 7.1)
- *Norfolk Island...the birds*, 2005 (Greeneyes Publications)
- Norfolk Island Resource Management Plan 2009 (Administration of Norfolk Island)
- Norfolk Island Regional Threatened Species Recovery Plan 2010 (Commonwealth of Australia)

Websites

- <http://www.kavha.gov.nf>
- <http://www.environment.gov.au/biodiversity/threatened/species/norfolk-island-flora>

Advice – sourced from a number of people including;

- Civil & Geotechnical Engineers Pty Ltd, Norfolk Island
- Jodie Quintal, Planning Officer, Norfolk Island Administration
- Matt Alexander, Commonwealth Heritage Manager, Norfolk Island
- KAVHA Research & Information Centre, Norfolk Island
- KAVHA Office, Norfolk Island
- Jean Rice, Heritage Architect Sydney
- Margaret Christian, Environment Consultant, Norfolk Island
- Don Taylor Surveyors, Norfolk Island
- Geotechnique Pty Ltd, Sydney
- Williams Consulting Engineers, Sydney
- Ralph Williams Civil and Structural Engineers, Sydney
- Winston Architects, Sydney

7.2 Reliability and date of information

All information used is published and reliable.

7.3 Attachments

Attachment 1.1_Boundary Map

Attachment 2.1(a)_Site Survey

Attachment 2.1(b)_Geotechnical site assessment

Attachment 2.1(c.)_Water & Landscape management

Attachment 2.1(d)_Substructure Platform

Attachment 2.1(e.)_Site & Floor Plans

Attachment 2.1(f.)_Landscape screening & Planting

Attachment 2.1(g.)_Residential Development Plans

Attachment 3.1(a.)_KAVHA Landscape Guides

Attachment 7.1_NZ Botanical Society Newsletter (extract)

		✓ attached	Title of attachment(s)
You must attach	figures, maps or aerial photographs showing the project locality (section 1)	✓	Attachment 1.1_Boundary Map
	GIS file delineating the boundary of the referral area (section 1)		
	figures, maps or aerial photographs showing the location of the project in respect to any matters of national environmental significance or important features of the environments (section 3)	✓	Attachment 1.1_Boundary Map
If relevant, attach	copies of any state or local government approvals and consent conditions (section 2.5)		
	copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 2.6)		
	copies of any flora and fauna investigations and surveys (section 3)	✓	Attachment 7.1_NZ Botanical Society Newsletter (extract)
	technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4)		
	report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)		

8 Contacts, signatures and declarations

Project title: Construction of a Residential Dwelling on Freehold Portion 66m1, Driver Christian Road, Norfolk Island

8.1 Person proposing to take action

1. Name and Title: Mr Les and Mrs Margaret Torresan
2. Organisation (if applicable): N/A
3. EPBC Referral Number (if known):
4. ACN / ABN (if applicable):
5. Postal address: 558 Mulgoa Road
MULGOA NSW 2745
6. Telephone: 0247 379613 or 0418 263 900
7. Email: fernhillhomes@hotmail.com
8. Name of designated proponent (if not the same person at item 1 above and if applicable): Same as above
9. ACN/ABN of designated proponent (if not the same person named at item 1 above):

COMPLETE THIS SECTION ONLY IF YOU QUALIFY FOR EXEMPTION FROM THE FEE(S) THAT WOULD OTHERWISE BE PAYABLE

- I qualify for exemption from fees under section 520(4C)(e)(v) of the EPBC Act because I am:
- ☒ an individual; OR
- ☐ a small business entity (within the meaning given by section 328-110 (other than subsection 328-119(4)) of the *Income Tax Assessment Act 1997*); OR
- ☒ not applicable.

If you are small business entity you must provide the Date/Income Year that you became a small business entity:

**COMPLETE THIS SECTION ONLY IF YOU WOULD LIKE TO APPLY
FOR A WAIVER**

I would like to apply for
a waiver of full or ☐ not applicable.
partial fees under
Schedule 1, 5.21A of the
EPBC Regulations.

Under sub regulation
5.21A(5), you must

include information
about the applicant (if
not you) the grounds on
which the waiver is
sought and the reasons
why it should be made:

Declaration

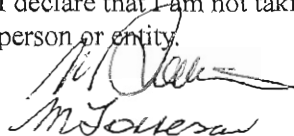
I declare that to the best of my knowledge the information I have given on, or
attached to this form is complete, current and correct.

I understand that giving false or misleading information is a serious offence.

I agree to be the proponent for this action.

I declare that I am not taking the action on behalf of or for the benefit of any other
person or entity.

Signature



Date

28 - 2 - 2016

8.2 Person preparing the referral information (if different from 8.1)

Individual or organisation who has prepared the information contained in this referral form.

Name Proponent has prepared this Referral

Title

Organisation Organisation name should match entity identified in ABN/ACN search

ACN / ABN (if
applicable)

Postal address

Telephone

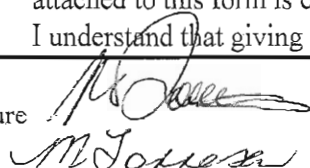
Email

Declaration

I declare that to the best of my knowledge the information I have given on, or
attached to this form is complete, current and correct.

I understand that giving false or misleading information is a serious offence.

Signature



Date

28 - 2 - 2016

REFERRAL CHECKLIST

NOTE: This checklist is to help ensure that all the relevant referral information has been provided. It is not a part of the referral form and does not need to be sent to the Department.

HAVE YOU:

- ☒ Completed all required sections of the referral form?
- ☒ Included accurate coordinates (to allow the location of the proposed action to be mapped)?
- ☒ Provided a map showing the location and approximate boundaries of the project area?
- ☒ Provided a map/plan showing the location of the action in relation to any matters of NES?
- ☒ Provided a digital file (preferably ArcGIS shapefile, refer to guidelines at [Attachment A](#)) delineating the boundaries of the referral area?
- ☒ Provided complete contact details and signed the form?
- ☒ Provided copies of any documents referenced in the referral form?
- ☒ Ensured that all attachments are less than three megabytes (3mb)?
- ☒ Sent the referral to the Department (electronic and hard copy preferred)?

Geographic Information System (GIS) data supply guidelines

If the area is less than 5 hectares, provide the location as a point layer. If the area greater than 5 hectares, please provide as a polygon layer. If the proposed action is linear (eg. a road or pipeline) please provide a polyline layer.

GIS data needs to be provided to the Department in the following manner:

- Point, Line or Polygon data types: ESRI file geodatabase feature class (preferred) or as an ESRI shapefile (.shp) zipped and attached with appropriate title
- Raster data types: Raw satellite imagery should be supplied in the vendor specific format.
- Projection as GDA94 coordinate system.

Processed products should be provided as follows:

- For data, uncompressed or lossless compressed formats is required - GeoTIFF or Imagine IMG is the first preference, then JPEG2000 lossless and other simple binary+header formats (ERS, ENVI or BIL).
- For natural/false/pseudo colour RGB imagery:
 - If the imagery is already mosaiced and is ready for display then lossy compression is suitable (JPEG2000 lossy/ECW/MrSID). Prefer 10% compression, up to 20% is acceptable.
 - If the imagery requires any sort of processing prior to display (i.e. mosaicing/colour balancing/etc) then an uncompressed or lossless compressed format is required.

Metadata or 'information about data' will be produced for all spatial data and will be compliant with ANZLIC Metadata Profile. (http://www.anzlic.org.au/policies_guidelines#guidelines).

The Department's preferred method is using ANZMet Lite, however the Department's Service Provider may use any compliant system to generate metadata.

All data will be provide under a Creative Commons license
(<http://creativecommons.org/licenses/by/3.0/au/>)