

Our Ref: Q214030
Contact: Billy Glover

8 September 2021

Chief Executive Officer
Morningson Shire Council
1 Mission Road
Gununa QLD 4892

**Attention: Graham King, Acting Chief Executive Officer & Geoffrey Rewald,
Housing Manager, Morningson Shire Council**

Delivery via email:

aceo@morningson.qld.gov.au; housingmanager@morningson.qld.gov.au

Cardno (Qld) Pty Ltd
ABN 57 051 074 992

15 Scott Street
Paramatta Park
Cairns QLD 4870
Australia

Phone +61 7 4034 0500
Fax +61 7 4051 0133

www.cardno.com

Dear Graham and Geoffrey,

RE: DEVELOPMENT APPLICATION OVER LAND LOCATED AT THE CORNER OF LARDIL STREET AND JINKIYA STREET, GUNUNA, MORNINGTON ISLAND, MORE PROPERLY DESCRIBED AS LOT 9 AND LOT 10 ON SP247300 SEEKING A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE, OPERATIONAL WORK, AND RECONFIGURING A LOT TO ESTABLISH THE PROPOSED MORNINTON SHIRE COUNCIL ADMINISTRATION OFFICE, FUTURE ENTERPRISE HUB, BUSINESS INCUBATOR AND SERVICED OFFICES, SPLASH PARK, CYCLONE SHELTER, ENTERTAINMENT CENTRE, TRAINING CENTRE, COMMUNITY SPACE, AND LIBRARY; EARTHWORKS; AND BOUNDARY REALIGNMENT

We act for Morningson Shire Council ('the Applicant') and the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships.

On behalf of the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, please accept this correspondence and the accompanying attachments as a properly made Development Application pursuant to Sections 50 and 51 of the Planning Act 2016 seeking a Development Permit for Material Change of Use, Operational Work, and Reconfiguring a Lot to establish the proposed Morningson Shire Council Administration Office, Future Enterprise Hub, Business Incubator and Serviced Offices, Splash Park, Community Space, and Library; Earthworks; and Boundary Realignment.

Please find **enclosed** Town Planning Report dated 8 September 2021 and the following supporting attachments:

- **Attachment A:** DA Form 1 (Application Form)
- **Attachment B:** Owner's Consent
- **Attachment C:** Proposal Plans
- **Attachment D:** Site Searches
- **Attachment E:** Statement of Code Compliance
- **Attachment F:** Site Photos (Lot 9 on SP247300)

If you have any queries regarding the development application, please do not hesitate to contact myself on the below.

Yours sincerely,



Billy Glover
Planning Lead / Project Manager
for Cardno
Direct Line: (07) 4034 0506
Email: billy.glover@cardno.com.au

Enc: Attachment A: DA Form 1 (Application Form)
Attachment B: Owner's Consent
Attachment C: Proposal Plans
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Attachment F: Site Photos (Lot 9 on SP247300)

cc: Gerhard.Visser@dsdsatsip.qld.gov.au

Mornington Shire Council
Development – Impact Assessment

The site plan illustrates the layout of the proposed splashpark and surrounding facilities. Key features include:

- Future Car Park:** Located at the top left, adjacent to the Main Highway.
- Council Administration Building:** A large rectangular building situated in the center.
- Future Amphitheatre:** A semi-circular area with tiered seating, located below the council building.
- Future Ceremony Space:** A rectangular area adjacent to the amphitheatre.
- Splashpark:** A large, irregularly shaped area with various water features, located to the right of the ceremony space.
- Future Playground:** A circular area with a central feature, located to the left of the ceremony space.
- Future Amenities:** A cluster of small buildings located to the right of the ceremony space, including a zone for future adaptive facilities, shelter, entertainment centre, training, business incubator, service offices, and community space library.
- Surrounding Roads:** Main Highway to the north, Lake Street to the south, and a road to the east labeled "Future Development Area".
- Other Features:** A north arrow and a scale bar (0 to 100 meters) are provided for orientation and measurement.

8 September 2021

Contact Information

Cardno (Qld) Pty Ltd

ABN 57 051 074 992

Level 1, Central
520 Flinders Street
Townsville QLD 4810
Australia

www.cardno.com

Phone +61 7 4034 0500

Fax +61 7 4051 0133

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Billy Glover
Planning Lead / Project Manager

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Executive Summary

This Town Planning Report accompanies a development application over land located at the corner of Lardil Street and Jinkiya Street, Gununa, Morrington Island, more properly described as Lot 9 and Lot 10 on SP247300 ('the site').

The Applicant, Morrington Shire Council, seeks a Development Permit for Material Change of Use, Operational Work and Reconfiguring a Lot, to establish the following: Morrington Shire Council Administration Office, Future Enterprise Hub, Business Incubator and Serviced Offices, Splash Park, Cyclone Shelter, Entertainment Centre, Training Centre, Community Space, and Library; Earthworks; and Boundary Realignment.

The proposed combined development is assessable development, which triggers an Impact Assessment Development Application to be made. Public notification is required to be undertaken in accordance with the Development Assessment Rules.

The subject site and proposed development is located within the Gununa town centre. The development is proposed to provide opportunities for office spaces, public open space/recreation and community uses, by way of Council offices, business enterprise offices, splash park, amphitheatre and outdoor firepit area, and other community uses. The development is proposed to provide a meeting place for the local community, supporting the local character of the area, and providing a vibrant and safe place for families to gather, play and enjoy.

The proposed development design is considered to be sympathetic to the site and surrounding land.

The proposed development is intended to contribute to the self-sufficiency of Gununa, using land and building efficiently by taking up an infill opportunity, and reflecting the needs, lifestyle, history and culture of Morrington Shire.

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1 Introduction

This Town Planning Report accompanies a development application over land located at the corner of Lardil Street and Jinkiya Street, Gununa, Mornington Island, more properly described as Lot 9 and Lot 10 on SP247300 ('the site').

The Applicant, Mornington Shire Council, seeks a Development Permit for Material Change of Use, Operational Work and Reconfiguring a Lot, to establish the following: Mornington Shire Council Administration Office, Future Enterprise Hub, Business Incubator and Serviced Offices, Splash Park, Cyclone Shelter, Entertainment Centre, Training Centre, Community Space, and Library; Earthworks; and Boundary Realignment.

The proposed combined development is assessable development, which triggers an Impact Assessment Development Application to be made. Public notification is required to be undertaken in accordance with the Development Assessment Rules.

This Town Planning Report documents the proposed development and provides a comprehensive assessment of the proposed development against the applicable statutory town planning framework. The report consists of the following sections:

- Section 2: Site Details and Characteristics
- Section 3: Proposed Development
- Section 4: Statutory Town Planning Framework
- Section 5: Compliance Summary

The report is supported by the relevant proposal plans for the development.

With regard to Section 51 of the Planning Act, a completed copy of DA Form 1 is provided at **Appendix A** and the written consent of the owner of the land over which the development application is made (the site) is provided at **Appendix B**.

2 Site Details and Characteristics

2.1 Site Details

The site is described in detailed in **Table 1**.

| Table 1 – Site Details | |
|---------------------------|--|
| Address | Cnr Lardil and Jinkiya Streets, Gununa, Morningside Island |
| Real Property Description | Lot 9 and Lot 10 on SP247300 |
| Registered Owners | Morningside Shire Council (refer to Appendix D) |
| Easements | Nil |
| Contaminated Land | This site is not listed on the Environmental Management Register or the Contaminated Land Register (refer to Appendix D) |
| Local Government | Morningside Shire Council |
| Existing Use | Vacant Land |
| Site Area | Lot 9: 6,025m ² / Lot 10: 28,400m ² |
| Road Frontages | The site fronts Lardil Street for a length of 102.55 metres. The site also includes secondary frontage to Jinkiya Street for a length of 47.995 metres. |
| Water Supply | The site is proximate to Council's existing reticulated water supply network which runs along both Lardil Street and Jinkiya Street. |
| Sewerage | The site is connected to Council's existing reticulated sewerage network which runs along both |
| Stormwater | The site drains to the predominantly to the south, with part of the site in the north draining to the northeast. |
| Electricity | The site is connected to electricity infrastructure. |
| Telecommunications | The site is connected to telecommunications services. |

2.2 Local Context

The site is located within the Gununa town centre on Morning Island.

The site comprises Lot 9 and Lot 10 on SP247300. Lot 9 is currently vacant, although is understood to have been previously occupied by accommodation buildings by way of aged persons units. Lot 10 is occupied by the Morningside Island Hospital.

The part of Lot 10 included within this application forms an intrinsic part of Lot 9 with an existing fence demarcating Lot 9 inclusive of a small section of Lot 10.

The site (Lot 9 and Lot 10 collectively) form one parcel of land entirely surrounded by the local road network comprising Lardil, Jinkiya, Mukakiya and Kathan Kathan Streets. The site is gently sloping and well setback from waterways. The site is within close proximity of the Morningside Island Airport runway/airstrip.

Site Photos (Lot 9 on SP247300) are provided at **Appendix F**.

3 Proposed Development

The subject development site comprises Lot 9 and Lot 10 on SP247300, in Gununa on Mornington Island. Lot 9 is an irregular shaped parcel of land with an area of approximately 6,025m² and is currently vacant, however does contain some vegetation on site. Lot 10 is an irregular 'L-shaped' parcel of land with an area of approximately 28,400m² and contains the existing Mornington Island Hospital. All aspects of the proposed development are limited to the southwest portion of the site, at the corner of Lardil Street and Jinkiya Street.

The Applicant proposes to undertake the following land uses, works and development:

3.1.1 Material Change of Use

The proposed development comprises the following land uses:

- *Office*
 - Mornington Shire Council Administration Office
 - Gross Floor Area: Internal: 473 sqm
External: 69.5 sqm
Total: 542.5 sqm
 - Building Height: 5 metres (approximately)
 - Setbacks: Frontage: 5 metres (approximately)
 - Future Enterprise Hub *and* Business Incubator and Serviced Offices
 - Gross Floor Area: Internal: >1,000 sqm (approximately - TBC)
External: >100 sqm (approximately - TBC)
Total: >1,000 (approximately - TBC)
 - Building Height: 5 metres (approximately - TBC)
 - Setbacks: Frontage: 10 metres
- *Outdoor Sport and Recreation*
 - Splash Park
- *Community use*
 - Cyclone Shelter
 - Entertainment Centre
 - Training Centre
 - Community Space
 - Library

3.1.2 Reconfiguring a Lot

- Boundary Realignment

3.1.3 Operational Works

- Earthworks

The combined development application seeks to realign the common boundary between Lot 9 and Lot 10 on SP247300 to coincide with the existing dividing fence line and contain the existing drainage infrastructure on Lot 9. The proposed buildings and structures are proposed to be constructed on site based on the proposed boundary realignment, making best use of the land and site area as per the existing fenceline and on site infrastructure.

The setbacks of the proposed Buildings and Structures will be reflective of the new proposed boundary.

The development is proposed to be carried out in staged approved as detailed in **Table 2**.

Table 2 – Proposed Development Staging

| | |
|-------------|--|
| Stage 1 | Council administration office and parking area |
| Stage 2 | Realignment of boundaries |
| Stage 3 | Firepit, amphitheatre, ceremony space |
| Stage 4 | Splash Park |
| Stage 5 - 7 | Small business area |

The proposed development is considered to be appropriately broken down into and defined under the following uses under the planning scheme and identified in *italics* as outlined in **Table 3**.

Table 3 – Proposed development and defined uses under the planning scheme

| Use | Definition | Examples include | Does not include the following uses |
|---|--|---|--|
| <i>Office</i> (Mornington Shire Council Administration Office (existing contract/purchase order), Future Enterprise Hub, Business Incubator and Serviced Offices) | Premises used for an administrative, secretarial or management service or the practice of a profession, where no goods or materials are made, sold or hired and where the principal activity provides for the following: <ul style="list-style-type: none"> business or professional advice; service of goods that are not physically on the premises; office based administrative functions of an organisation | Bank, real estate agent, administration building | Home based business, home office, shop, outdoor sales |
| <i>Outdoor sport and recreation</i> (Splash Park) | Premises used for a recreation or sport activity that is carried on outside a building and which requires areas of open space and may include ancillary works necessary for safety and sustainability. The use may include ancillary food and drink outlet(s) and the provision of ancillary facilities or amenities conducted indoors such as changing rooms and storage facilities. | Driving range, golf course, swimming pool, tennis courts, football ground, cricket oval | Major sport, recreation and entertainment facility, motor sport, park, community use |
| <i>Community use</i> | Premises used for providing | Art gallery, community | Cinema, club, hotel, |

| | | | |
|---|---|---|--|
| (Cyclone Shelter, Entertainment Centre, Training Centre, Community Space and Library) | artistic, social or cultural facilities and community support services to the public and may include the ancillary preparation and provision of food and drink. | centre, community hall, library, museum | nightclub entertainment facility, place of worship |
|---|---|---|--|

The Proposal Plans for the development are provided at **Appendix C**. Extracts of the site and Proposal Plans are shown below at **Figures 1 – 5**.



Figure 1 – Subject Site

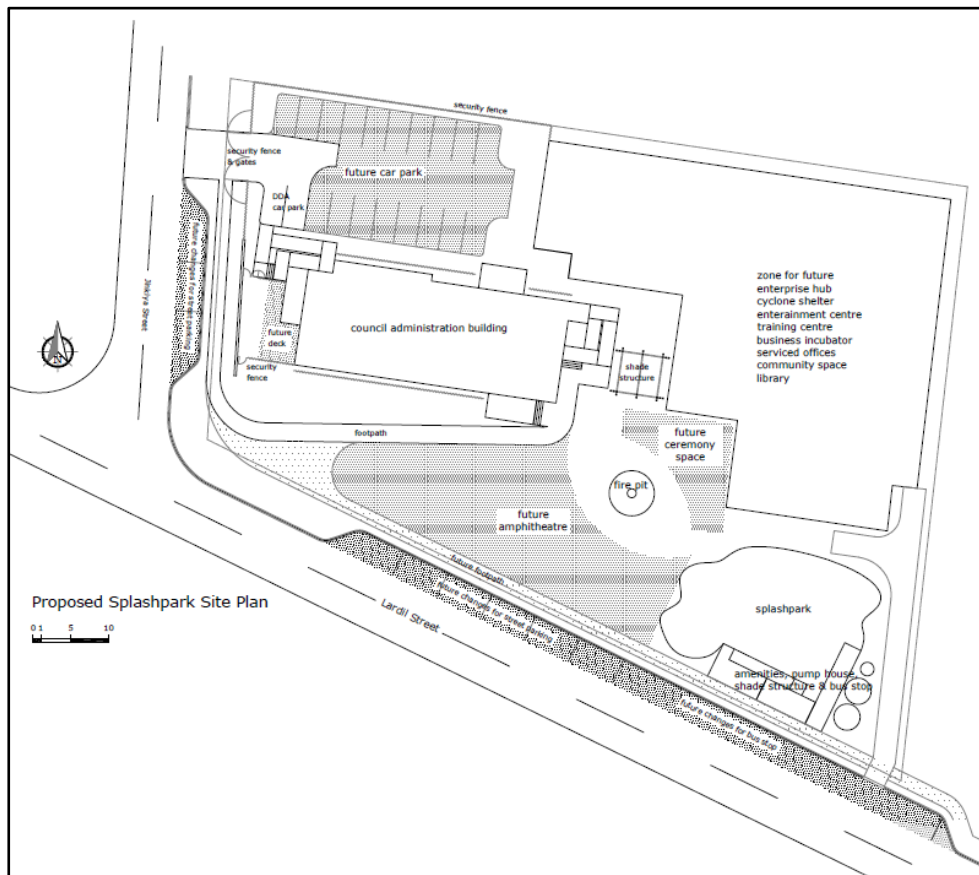


Figure 2 – Concept Site Plan

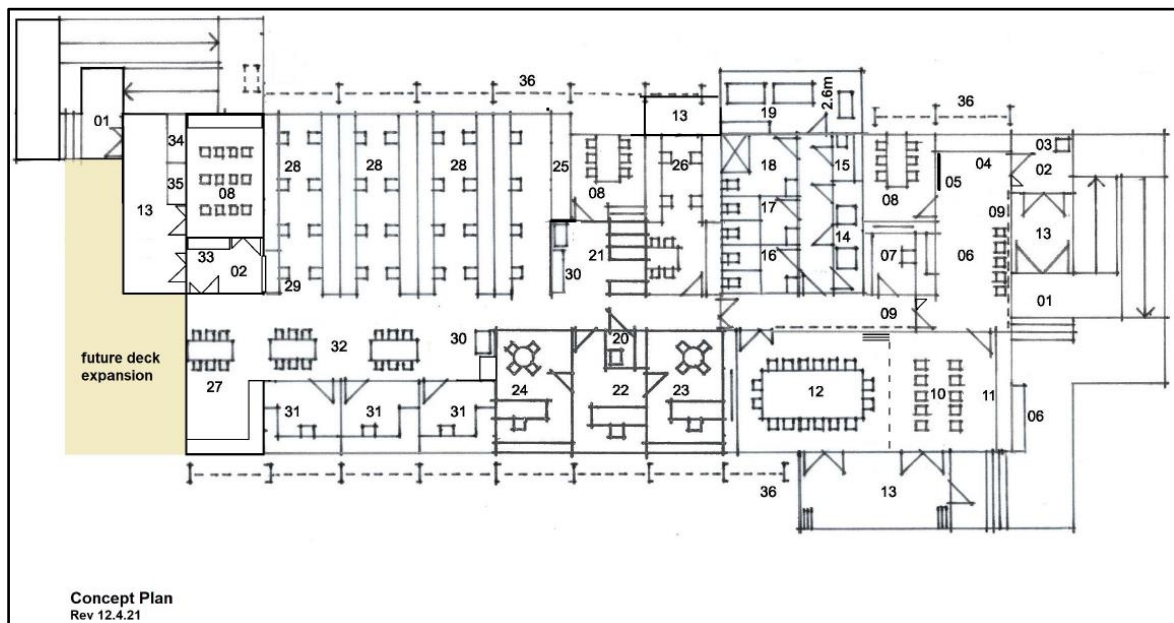


Figure 3 – Concept Council Administration Building - Floor Layout

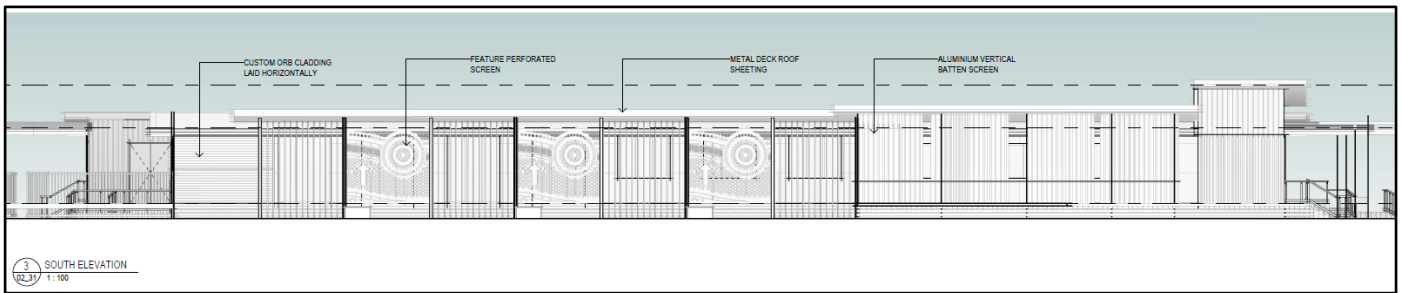


Figure 4 – Concept Elevation

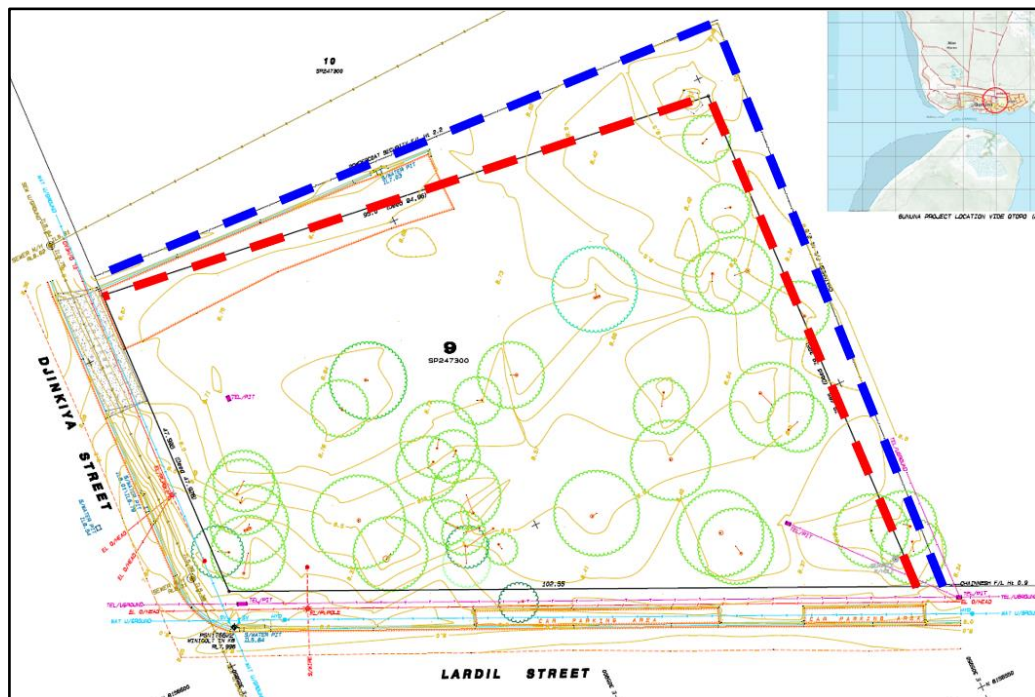


Figure 5 – Indicative Proposed Boundary Realignment – Red (existing) / Blue (proposed)

4 Statutory Town Planning Framework

4.1 Planning Act 2016

The *Planning Act 2016* ('the Planning Act') is the statutory instrument for the State of Queensland under which, amongst other matters, development applications are assessed by local governments. The Planning Act is supported by the *Planning Regulation 2017* ('the Planning Regulation').

The following sections of this report discuss the parts of the Planning Act and Planning Regulation applicable to the assessment of a development application.

4.1.1 Approval and Development

Pursuant to Sections 49, 50 and 51 of the PA, the development application seeks a Development Permit for Material Change of Use (*Office, Outdoor sport and recreation, and Community use*), Reconfiguring a Lot (Boundary Realignment), and Operational Works (Earthworks).

4.1.2 Application

The proposed development is:

- > development which is located completely in a single local government area; and
- > is development made assessable under a local categorising instrument, as discussed in Section 4.6.

In accordance with Section 48 of the Planning Act, the development application is required to be made to the applicable local government, in this instance being Mornington Shire Council ('Council').

4.1.3 Referral

Section 54 of the Planning Act and Schedule 10 of the Planning Regulation require and provide for the identification of the jurisdiction of referral agencies, to which a copy of the development application must be provided.

The proposed development does not trigger referral to any agency.

4.1.4 Public Notification

Section 53 of the Planning Act provides that an applicant must give notice of a development application where any part is subject to Impact Assessment.

The development application is subject to Impact Assessment. Public Notice of the development application is therefore required in accordance with the Planning Act and the Development Assessment Rules.

4.1.5 Assessment Framework

As discussed in Section 4.6 of this report, an Impact Assessable development application is required in this instance. Section 45 of the Planning Act provides the assessment that must be carried out.

The *Morning Shire Planning Scheme* ('the Planning Scheme'), as the applicable local categorising instrument, is discussed in greater detail in Section 4.6 of this report.

Section 30 of the Planning Regulation provides the following assessment benchmarks for the purposes of Section 45 of the Planning Act:

"(1) For section 45(5)(a)(i) of the Act, the impact assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.

(2) Also, if the prescribed assessment manager is the local government, the impact assessment must be carried out against the following assessment benchmarks—

(a) the assessment benchmarks stated in—

(i) the regional plan for a region; and

(ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and

(iii) a temporary State planning policy applying to the premises;

(b) if the development is not in a local government area—any local planning instrument for a local government area that may be materially affected by the development;

(c) if the local government is an infrastructure provider—the local government’s LGIP.

(3) However, an assessment manager may, in assessing development requiring impact assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.

Section 30 of the Planning Regulation provides matters for the purposes of Section 45 of the Planning Act:

“(1) For section 45(5)(a)(ii) of the Act, the impact assessment must be carried out having regard to—

(a) the matters stated in schedules 9 and 10 for the development; and

(b) if the prescribed assessment manager is the chief executive—

(i) the strategic outcomes for the local government area stated in the planning scheme; and

(ii) the purpose statement stated in the planning scheme for the zone and any overlay applying to the premises under the planning scheme; and

(iii) the strategic intent and desired regional outcomes stated in the regional plan for a region; and

(iv) the State Planning Policy, parts C and D; and

(v) for premises designated by the Minister—the designation for the premises; and

(c) if the prescribed assessment manager is a person other than the chief executive or the local government—the planning scheme; and

(d) if the prescribed assessment manager is a person other than the chief executive—

(i) the regional plan for a region; and

(ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme; and

(iii) for designated premises—the designation for the premises; and

(e) any temporary State planning policy applying to the premises; and

(f) any development approval for, and any lawful use of, the premises or adjacent premises; and

(g) the common material.

(2) However—

(a) an assessment manager may, in assessing development requiring impact assessment, consider a matter mentioned in subsection (1) only to the extent the assessment manager considers the matter is relevant to the development; and

(b) if an assessment manager is required to carry out impact assessment against assessment benchmarks in an instrument stated in subsection (1), this section does not require the assessment manager to also have regard to the assessment benchmarks.

The following sections of this report discuss the applicable assessment benchmarks and applicable matters in further detail.

4.2 Schedules 9 and 10 of the Planning Regulation 2017

Schedules 9 and 10 of the Planning Regulation do not prescribe any applicable assessment benchmarks, applicable to this application.

4.3 Gulf Regional Development Plan (non statutory)

The *Gulf Regional Development Plan* (Gulf Regional Planning Advisory Committee - November 2020) is the current regional plan for the Mornington Local Government Area.

‘The Gulf Regional Development Plan provides strategies, recommendations and priority actions to address the key issues confronting the Gulf region. These strategies are intended to provide guidance as to new directions in policy development and implementation, as well as making use of existing organisational and administrative structures’.

4.4 State Planning Policy

The State Planning Policy (‘the SPP’) was released on 2 December 2013 and replaced all previous State Planning Policies. The SPP has since been revised, with new versions released on 2 July 2014, 29 April 2016 and 3 July 2017.

‘The Minister has identified that the following state planning policy is integrated in the planning scheme:

State interests in the state planning policy appropriately integrated

- *Temporary SPP 1/13: Planning for Prosperity*
- *SPP 5/10: Air, Noise and Hazardous Materials*
- *SPP 4/10: Healthy Waters*
- *SPP 3/10: Acceleration of compliance assessment*
- *SPP 2/02: Planning and Managing Development Involving Acid Sulfate Soils 1.0.’*

4.5 Temporary State Planning Policies

There are currently no temporary State Planning Policies in effect in Queensland.

4.6 Morningson Shire Planning Scheme

The commencement date for the planning scheme was 17 April 2014 and is the applicable planning scheme to the Morningson local government area.

The commencement date for the planning scheme was 17 April 2014. Amendments to the planning scheme were adopted 27 June 2018 (commenced 30 July 2018). The amendments were carried out to align the planning scheme with the Planning Act 2016.

4.6.1 Zone

The site is wholly located within the Centre Zone under the Planning Scheme.

4.6.2 Overlays

Table 4-1 identifies the Planning Scheme overlays applicable to the site.

Table 4-1 Planning Scheme Overlays

| Overlay | Designation |
|--------------------------|---|
| Airport Environs Overlay | <ul style="list-style-type: none"> ▪ Protected Features: Take-off / approach path RWY 09/27 ▪ Height Restrictions: Area A: Maximum – 5 metres |

4.6.3 Categories of Development and Assessment

The level of assessment for the proposed uses in the Centre Zone and Community Facilities Zone under the planning scheme as outlined in **Table 4**.

| Table 4 – Level of Assessment - Morningson Shire Planning Scheme | | |
|--|---------------------|---------------------------|
| | Level of Assessment | |
| Use Definition | Centre Zone | Community Facilities Zone |
| Office (Morningson Shire Council Administration Office (existing contract/purchase order), Future Enterprise Hub, Business Incubator and Serviced Offices) | CODE ASSESSMENT | IMPACT ASSESSMENT |
| Outdoor Sport and Recreation (Splash Park) | IMPACT ASSESSMENT | IMPACT ASSESSMENT |
| Community use (Cyclone Shelter, Entertainment Centre, Training Centre, Community Space and Library) | CODE ASSESSMENT | ACCEPTED |

The proposed development, land uses and works combined trigger Impact Assessment under the planning scheme.

4.6.4 Strategic Framework

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme.

4.6.5 Applicable/Relevant Codes

Table 5 summarises the Planning Scheme codes that are identified as being applicable to the assessment of the proposed development.

| Table 5 – Applicable/Relevant Codes | |
|-------------------------------------|---|
| Type | Codes |
| Zone Codes | <ul style="list-style-type: none"> Centre Zone Code |
| Overlay Codes | <ul style="list-style-type: none"> Airport Environs Overlay Coastal Protection Overlay Code |

5 Compliance Summary

5.1 Introduction

The following sections comprise a summary of compliance against the relevant sections of the strategic framework and applicable/relevant provisions of the codes under the planning scheme, as they apply to the proposed development.

5.2 Strategic Framework

The Strategic Framework of the Mornington Shire Council sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme areas for the life of the planning scheme.

The relevant sections of the strategic framework to the proposed development are outlined below and responses provided thereafter.

3.2 Strategic Intent

- (4) ***Economic development is the cornerstone of sustainability for the Mornington Shire community. The planning scheme seeks to build on the strengths of the skills of the local community, the opportunities provided by the local culture and environment and the existing service sector. Development ensures the ongoing sustainable use of the Shire's natural resources (including its extractive and marine resources). The ongoing existing economic activities and their viability to continue to operate in the long-term are protected. Development for economic activities, including small businesses and enterprises, that do not compromise the other planning objectives and contributes to the local economy in a sustainable manner is appropriate for the Shire.***

RESPONSE

The proposed development contributes to the local economy by providing local government support through enhanced facilities, opportunities for small businesses, and includes community spaces and recreation opportunities.

- (5) ***Besides the natural environment, the identity and culture of the Mornington Shire community is also linked to places, objects, buildings and structures. The Council and the Lardil, Yangkaal, Gangalidda and Kaiadilt Peoples are committed to the protection and preservation of all Aboriginal cultural and historical heritage places. Development does not degrade, disturb, destroy or detract from places, objects or building that has import cultural, heritage or historic values. In addition, as required by the Aboriginal Cultural Heritage Act 2003, all development must undertake cultural duty of care.***

RESPONSE

The subject development site is located on infill land that is currently vacant and free of buildings and structures (other than existing on-site stormwater infrastructure). Parts of the site were previously disturbed by way of residential development. The site is not on the register of places and items of cultural heritage significance.

- (6) ***The planning scheme considers the constraints and opportunities presented by the natural environment, cultural and historic elements, existing settlement pattern, current and projected demographics, and State and local government policy to identify a strategy for development in Mornington Shire. The planning scheme identifies areas for housing, employment, retail, industry, open space, recreation and cultural activities. Due to the extent of the Council's infrastructure network, development is focussed in the already developed area of Gununa. In order to address emerging housing needs and future population growth, investigation of appropriate areas for the extension of Gununa is required. Development uses developable land wisely, recognising that it is a finite resource.***

RESPONSE

The subject site and development is located within the Gununa town centre. Commercial, service, cultural, entertainment and employment opportunities, activities and land uses are intended to be located within this area.

- (7) *Gununa is the primary economic, administrative and service centre for the Shire and the majority of the Shire's resident population are consolidated within the town which has a compact urban form and provides residents with access to employment, services, infrastructure, open space and a range of housing choices. Gununa is both the air and sea transport hub for the Shire and an important node in the Gulf Region transport network that provides key connections to the region's communities, Mount Isa, Cairns and beyond.***

RESPONSE

The subject site and development is located within the Gununa town centre. Commercial, service, cultural, entertainment and employment opportunities, activities and land uses are intended to be located within this area.

- (8) *Development for centre activities occurs in the Gununa town centre, reinforcing its role and providing a greater range of retail, commercial, service, cultural, entertainment and employment opportunities.***

RESPONSE

The subject site and development is located within the Gununa town centre. Commercial, service, cultural, entertainment and employment opportunities, activities and land uses are intended to be located within this area. Providing a focal point for the Gununa town centre and linking the Shop with the Health precinct, consolidating the town centre.

- (10) *The airport and jetty/barge ramp are important social and economic infrastructure. Development does not compromise the ongoing operation or the potential for them to continue to operate or potential to expand.***

RESPONSE

The subject site and development is located within the Gununa town centre and is not considered to present any impacts on the operation of the airport and jetty/barge.

- (11) *Development is responsive to the natural landscape and character of the Morrington Shire as well as the tropical climate. It creates places and buildings that meet community needs and are comfortable and appropriate for the climate, culture and lifestyle and respect the aspects of the natural environment that are important to the community.***

RESPONSE

The proposed development is low-rise (maximum building height approximately 5 metres) and is understood to comprise building materials responsive to the natural landscape and character of the Morrington Shire as well as the tropical climate. Relevant and reasonable conditions could be included within a decision on the development application accordingly.

3.3 Settlement and Housing

3.3.1 Strategic outcomes

(1) *Gununa is the only settlement for Morrington Shire and is a major centre serving the needs of community and provides:*

- (a) *the focus for urban growth;***
- (b) *the primary residential area to satisfy the housing needs of the community;***
- (c) *access to community services including health care, education, sport and recreation;***
- (d) *opportunities for businesses including retail and commercial and industry;***

- (e) opportunities for local employment;***
- (f) opportunities for community development through social interaction, protection of the history and cultural activities; and***
- (g) regular and reliable air and sea links with Cairns and Mt Isa.***

RESPONSE

The subject site and development is located within the Gununa town centre. Commercial, service, cultural, entertainment and employment opportunities, activities and land uses are intended to be located within this area.

(2) Development in Gununa:

- (a) meets the economic social, community and housing needs of the community;***
- (b) locates on land intended for that use and has an amenity that is compatible with the surrounding area;***
- (c) connects with the infrastructure network;***
- (d) does not impede the delivery and operation of infrastructure networks and services;***
- (e) maintains access to the beach, bush and places that are environmentally or culturally important;***
- (f) integrates with the natural features of the land;***
- (g) does not have unacceptable impacts on the natural environment;***
- (h) contributes to the health and safety of the community; and***
- (i) does not put people or property at an unacceptable risk from natural hazards.***

RESPONSE

The subject site and development is located within the Gununa town centre. Commercial, service, cultural, entertainment and employment opportunities, activities and land uses are intended to be located within this area.

(4) Development contributes to the role of Gununa town centre by:

- (a) focusing appropriate retail, commercial and community uses in the town centre;***
- (b) providing activities that increase the self-sufficiency of Gununa;***
- (c) using land and buildings efficiently, taking up infill opportunities before using land undeveloped land that is a logical extension of the urban area; and***
- (d) reflecting the needs, lifestyle, history and culture of Mornington Shire.***

RESPONSE

The subject site and development is located within an infill area of the Gununa town centre. Commercial, service, cultural, entertainment and employment opportunities, activities and land uses are intended to be located within this area.

- (6) Development is responsive to the island character and tropical climate. It creates places and buildings that meet community needs and are comfortable and appropriate for the climate, culture and lifestyle and respect the aspects of the natural environment that are important to the community.***

RESPONSE

The proposed development is understood to comprise of a design and style that is responsive to the island character and tropical climate. The proposed development presents opportunities for commercial, service, cultural, entertainment and employment opportunities and activities, and respectful of the aspects of the

natural environment important to the community by retain on-site vegetation and incorporating it into the design where possible.

3.3.3 Element – Gununa town centre

3.3.3.1 Specific outcomes

- (1) **Gununa town centre (figure below) develops as the key activity centre for the Shire in accordance with the following principles:**
- (a) the centre has the role and function of a district activity centre providing for shops, offices, short-term accommodation, public open space and community uses;**
 - (b) contributes to a safe and comfortable public space reinforcing its role as the focal meeting place for the local community;**
 - (c) facilitates a safe pedestrian environment and is accessible to all members of the community including the young, the elderly and the disabled;**
 - (d) supports the local character;**
 - (e) mitigates the impacts of natural or other hazards on people and property; and**
 - (f) results in a vibrant and safe place offering regular activity, greater public safety, community service and cultural experiences.**



RESPONSE

The subject site and proposed development is located within the Gununa town centre. The development is proposed to provide opportunities for office spaces, public open space/recreation and community uses, by way of Council offices, business enterprise offices, splash park, amphitheatre and outdoor firepit area, and other community uses. The development is proposed to provide a meeting place for the local community, supporting the local character of the area, and providing a vibrant and safe place for families to gather, play and enjoy.

3.3.3.2 Land use strategies

- (1) Prepare a master plan for the Gununa town centre that provides direction for built form and identifies catalyst projects and infrastructure. Any master plan must ensure that development contributes to a high quality and safe public open space that reflect the history, culture and lifestyle of the community.**
- (2) Council's offices, meeting rooms and the library are relocated within the Gununa town centre.**

RESPONSE

A Master Plan for Mornington Island was prepared in October 2020, including the Gununa town centre.

The subject site and proposed development is located within the Gununa town centre and comprises Council office's, meeting rooms and library. The proposed development is generally consistent with the existing Master Plan for the area.

3.3.5 Element – Climate-responsive design

3.3.5.1 Specific outcomes

(1) Development is sited, designed and constructed to respond to the local climate in a manner which minimises reliance on non-renewable energy sources for cooling or ventilation.

RESPONSE

It is understood the proposed development is to be designed with the local climate in mind, considering ventilation and cooling by way of capturing pre-vailing breezes/winds and roof overhangs that provide protection from the sun and rain.

3.4 Community and Culture

3.4.1 Strategic outcomes

(1) The quality of life for Shire residents is enhanced through the provision of a range of community services and facilities.

RESPONSE

The proposed development is considered to positively contribute to the quality of life for the Shire residents through the provision of commercial, service, cultural, entertainment and employment opportunities and activities, including Council offices, business enterprise offices, splash park, amphitheatre and outdoor firepit area, and other community uses.

(2) Social infrastructure is planned, coordinated, and delivered in a timely manner in coordination with service providers, including the State and Commonwealth governments to support the existing and emerging community's needs and expectations.

RESPONSE

The proposed development includes Social infrastructure by way of a splash park, amphitheatre and outdoor firepit area, and other community uses, proposed to support the existing and emerging community's needs and expectations.

(3) The Shire's rich landscape and scenic amenity is recognised and managed to maintain the character, culture and sense of place.

RESPONSE

The proposed development is understood to comprise of a design and style that is responsive to the island character and tropical climate.

(4) The values of places, features, and landscapes reflecting the Shire's history and culture are protected and enhanced by development.

RESPONSE

The proposed development is understood to comprise of a design and style that is responsive to the island character and tropical climate.

(5) The health, wellbeing, amenity and safety of the Shire's residents and visitors is protected through development that meets the physical, social, and cultural needs of the community with infrastructure and design that promotes physical activity, social interaction and inclusion, community connectedness, and a sense of place and identity.

RESPONSE

The proposed development includes social infrastructure by way of a splash park, amphitheatre and outdoor firepit area, and other community uses, promoting physical activity, social interaction and inclusion, community connectedness, and a sense of place and identity.

(6) Parks, public spaces, recreation areas, including a network of connected pedestrian links, and areas of environmental value are integrated, accessible, and provide high quality and memorable places.

RESPONSE

The proposed development includes pedestrian links and high quality social spaces.

3.4.2 Element – Social Infrastructure

3.4.2.1 Specific Outcomes

(1) The provision of social infrastructure responds to community need and is established in accessible locations within Gununa.

RESPONSE

The proposed development includes social infrastructure, responsive to community need and established within Gununa.

3.4.2.2 Land use strategies

(1) Social infrastructure:

(a) co-locates in or near the Gununa town centre; and

(b) is adaptable and responds to changing community needs.

RESPONSE

The proposed development includes social infrastructure, is located in the Gununa town centre, and is adaptable and responsive to changing community needs by way of providing flexible, multipurpose spaces.

3.4.3 Element – Scenic amenity

3.4.3.1 Specific Outcomes

(1) Development does not detract from the scenic quality of the Shire's coastal landscape.

RESPONSE

The proposed development is to present a high-quality design and finish, positively contributing to the scenic quality of the landscape.

3.4.3.2 Land use strategies

(1) Development maximises opportunities to maintain and/or enhance natural scenic amenity values through the maintenance and restoration of vegetated buffers between development and coastal waters.

(2) Development minimises:

(a) scarring by exposed earthworks; or

(b) vegetation removal on prominent headlands, ridges and hillslopes; or

(c) modification of the natural environment which dominates the coastal landscape.

RESPONSE

The proposed development seeks to maintain and/or enhance the natural scenic amenity of the area through responding to and retaining natural vegetation on site where possible.

3.4.4 Element – Cultural heritage

3.4.4.1 Specific outcomes

(1) Development respects the culture and heritage of the traditional owners across the Shire including the Lardil, Yangkaal, Gangalidda and Kaiadilt Peoples.

(2) Development conserves places, features and landscapes to ensure the heritage values, memories and history are maintained.

RESPONSE

The proposed development seeks to maintain and/or enhance the natural scenic amenity of the area through responding to and retaining natural vegetation on site where possible and proposing a response that is sympathetic and responsive to the area.

3.4.4.2 Land use strategies

(1) Development does not degrade, disturb or destroy culturally important places, sites, objects and histories.

(2) Development does not occur on sites that are culturally important. Not all culturally important places are known. Therefore, due diligence and reasonable precaution must be used before undertaking an activity that may harm culturally important places.

(3) If development occurs in places that are culturally important, it:

(a) protects the parts of the site that is culturally important;

(b) does not remove the ability to manage the culturally important place or its ability to continue to be culturally important;

(c) provides the level of access considered appropriate by the owners;

(d) allows the community to carry out cultural practices and traditions; and

(e) if damage occurs or access is restricted, appropriate compensation equal or greater value is given to the owners for the loss of that resource.

RESPONSE

The subject development site is located on infill land that is currently vacant and free of buildings and structures (other than existing on-site stormwater infrastructure). Parts of the site were previously disturbed by way of residential development. The site is not on the register of places and items of cultural heritage significance.

The proposed development includes social infrastructure by way of a splash park, amphitheatre and outdoor firepit area, and other community uses, promoting physical activity, social interaction and inclusion, community connectedness, and a sense of place and identity.

3.4.5 Element – Community safety

3.4.5.1 Specific outcomes

(1) All new development incorporates features that promote a safe community, including the streets, public places, and residential neighbourhood areas.

RESPONSE

The proposed development includes social infrastructure by way of a splash park, amphitheatre and outdoor firepit area, and other community uses, promoting physical activity, social interaction and inclusion, community connectedness, and a sense of place and identity.

The proposed development contributes towards promoting a safe community, by way of providing high quality community infrastructure that is sited and designed in such a way that will provide passive surveillance over Lardil and Jinkiya Streets.

3.4.5.2 Land use strategies

(1) Development reflects the principles of Crime Prevention through Environmental Design and provides:

- (a) a range of complimentary land uses that encourage public presence at different times of the day and night;**
- (b) passive surveillance, clear boundaries between public and private areas, and strong sight lines;**
- (c) limited opportunities for vandalism;**
- (d) appropriate lighting; and**
- (e) safe pedestrian crossings.**

RESPONSE

The proposed development includes social infrastructure by way of a splash park, amphitheatre and outdoor firepit area, and other community uses, promoting physical activity, social interaction and inclusion, community connectedness, and a sense of place and identity.

The proposed development contributes towards promoting a safe community, by way of providing high quality community infrastructure that is sited and designed in such a way that will provide passive surveillance over Lardil and Jinkiya Streets.

3.4.6 Element – Public spaces and recreation

3.4.6.1 Specific outcomes

- (1) Development maintains public access to the sea, beach, wetlands and the bush.**
- (2) Development:**
 - (a) does not restrict access or the ability to use open space; and**
 - (b) contributes to the safety and surveillance of open space.**
- (3) New residential development makes provision for adequate, highly visible and safe children's parks.**
- (4) Development that occurs in open space areas meets the recreation, sport and entertainment needs of the community.**

RESPONSE

The proposed development contributes towards promoting a safe community, by way of providing high quality community infrastructure that is sited and designed in such a way that will provide passive surveillance over Lardil and Jinkiya Streets. Suitable pedestrian access connections and opportunities are to be provided on the site and to the adjoining road network, as part of the works.

3.4.6.2 Land use strategies

- (1) The beach and the bush are community resources and development does not restrict ongoing access.**
- (2) Where relevant, development provides walking paths that contribute to the public open space system and link the Gununa town centre, community facilities, the Mornington Island Airport and the residential areas.**

RESPONSE

Suitable pedestrian access connections and opportunities are to be provided on the site and to the adjoining road network, as part of the works.

3.5.6 Element – Hazards

3.5.6.1 Specific outcomes

(1) Development is located and designed to ensure that people and property are not put at an unacceptable risk from hazards including storm tide inundation, watercourse flooding, coastal erosion, bushfire and disturbance of acid sulfate soils.

RESPONSE

The proposed development site is located on an infill parcel of land. The land is free of identified hazards including storm tide inundation, watercourse flooding, coastal erosion and bushfire. There is no known disturbance of acid sulfate soils on the site currently. All works on site must consider the potential presence of acid sulfate soils and be undertaken in accordance with industry standards and best practice.

3.5.6.2 Land use strategies

(1) Development in areas prone to hazards including storm tide inundation, watercourse flooding, coastal erosion, bushfire and disturbance of acid sulfate soils is:

(a) avoided where risks to property and human life are unacceptable; or

(b) where risks are acceptable, designed to mitigate the effects on property and human life, including the provision of multiple safe evacuation routes.

RESPONSE

The proposed development site is located on an infill parcel of land. The land is free of identified hazards including storm tide inundation, watercourse flooding, coastal erosion and bushfire. There is no known disturbance of acid sulfate soils on the site currently. All works on site must consider the potential presence of acid sulfate soils and be undertaken in accordance with industry standards and best practice.

3.5.7 Element – Pollution

3.5.7.1 Specific outcomes

(1) Development does not contribute to an increase in soil and water degradation. (2) Public health and the environment are protected from environmental harm associated with the disturbance of contaminated soil. (3) The Shire's air quality and noise environment are protected from adverse impacts.

RESPONSE

The proposed development design is considered to be sympathetic to the site and surrounding land. All works on site must be undertaken in accordance with industry standards and best practice, and so as to ensure no detrimental impacts on surrounding land and the broader shire area.

3.5.7.2 Land use strategies

(1) Development is located, designed and operated so as not to alter the natural functioning of water catchments and underground aquifers. (2) In areas already affected by salinity, development will ensure that appropriate management measures are utilised to remediate saline areas and prevent any exacerbation. (3) Emissions from activities and works including pollutants released to the air, soil or water are at levels that do not risk the health of the community and the environment.

RESPONSE

The proposed development design is considered to be sympathetic to the site and surrounding land. All works on site must be undertaken in accordance with industry standards and best practice, and so as to ensure no detrimental impacts on surrounding land and the broader shire area.

3.5.9 Element – Water resources

3.5.9.1 Specific outcomes

(1) The watercourses, waterbodies and groundwater from which the Shire's potable water supplies are sourced are protected from degradation and not compromised by development. (2) The Shire's water resources are utilised in an efficient and sustainable manner.

RESPONSE

The proposed development design is considered to be sympathetic to the site and surrounding land. All works on site must be undertaken in accordance with industry standards and best practice, and so as to ensure no detrimental impacts on surrounding land and the broader shire area. The development is to incorporate water efficient fixtures, infrastructure and water conserving practices to ensure water resource efficiency.

3.5.9.2 Land use strategies

(1) Development is setback from banks of watercourses, water bodies and riparian areas.

(2) Development does not lead to a reduction in aquifer recharge.

(3) Development ensures that the Shire's water resources are utilised in a manner that is efficient and environmentally sustainable.

RESPONSE

The proposed development site is located on an infill parcel of land, isolated from watercourses, water bodies and riparian areas. The proposed development design is considered to be sympathetic to the site and surrounding land. The development is to incorporate water efficient fixtures, infrastructure and water conserving practices to ensure water resource efficiency.

3.6 Economic Development

3.6.1 Strategic outcomes

(1) Mornington Shire has a robust local economy comprising sustainable businesses that provide diverse employment opportunities.

(4) Gununa town centre is the focus of retail, commercial, cultural and government services that reinforce its role as the principal service centre for Shire.

(6) The Mirndiyan Gununa Arts Centre provides a place for the local community to practice culture through art and dance. The practice of art and dance strengthens links to County, culture and traditions and provides economic and employment opportunities for people living in Mornington Shire.

RESPONSE

The proposed development is considered to positively contribute to the economy of the Shire through the provision of commercial, service, cultural, entertainment and employment opportunities and activities, including Council offices, business enterprise offices, splash park, amphitheatre and outdoor firepit area, and other community uses.

3.6.2 Element – Robust and diverse local economy

3.6.2.1 Specific outcomes

(1) The economic viability of the Gununa town centre and industrial land is maintained though the appropriate location of economic activities.

(2) The protection of resources is important to establish a sustained local land and sea management economy.

(3) The Mirndiyan Gununa Arts Centre continues to be an active part of the Shire community providing employment and training and economic development based on traditional arts, crafts and ceremonial dance practices.

RESPONSE

The proposed development is considered to positively contribute to the economy of the Shire through the provision of commercial, service, cultural, entertainment and employment opportunities and activities, including Council offices, business enterprise offices, splash park, amphitheatre and outdoor firepit area, and other community uses.

3.6.2.2 Land use strategies

- (1) Offices and shops that do not have a direct link with other employment activities are located in the Gununa town centre.**
- (2) Industrial activities locate on serviced land identified for industrial uses that has an appropriate separation from places where people live.**
- (3) The separation areas between industry and non-industrial uses are protected from incompatible development.**
- (4) Council's offices, meeting rooms and the library are relocated to the Gununa town centre.**
- (5) Development of business and industrial activities, benefit local people and allow them to continue their cultural and traditional practices, including hunting and fishing and obligations for land management.**
- (6) Development does not damage the economic viability and future sustainable development of commercial, recreation and traditional fishing.**
- (7) Any development of the Mirndiyan Gununa Arts Centre:**
 - (a) is designed to meet the employment, community and cultural needs of the local people of Mornington Shire;**
 - (b) is accessible to all;**
 - (c) enables the display of art work and the ability to perform cultural practices and traditions; and**
 - (d) integrates with other parts of Gununa especially the town centre and airport.**

RESPONSE

The proposed development is considered to positively contribute to the economy of the Shire through the provision of commercial, service, cultural, entertainment and employment opportunities and activities, including Council offices, meeting rooms and a library. The subject site is located in the Gununa town centre.

Infrastructure networks

3.7.2.1 Specific outcomes

- (1) Development provides infrastructure consistent with the standard acceptable to Council:**
 - (a) Within the Priority Infrastructure Area, infrastructure is connected to Council's networks and an infrastructure contribution may be required; or**
 - (b) Outside the Priority Infrastructure Area, infrastructure is provided on site and at no cost to Council.**
- (2) Development is sequenced in a way that ensures that Gununa is serviced efficiently and enables planned expansion of infrastructure to occur in an efficient way.**
- (3) Telecommunications infrastructure meets the needs of the community and business by ensuring reliable connection to national and international markets.**
- (4) Development provides for safe and efficient provision of energy infrastructure adequate to the community's needs and provides opportunities for sustainable energy options such as wind and solar.**
- (5) A suitable site is identified for a renewable energy supply facility close to Gununa.**

3.7.2.2 Land use strategies

- (1) Investigate the potential for development of a renewable energy supply outside of Gununa with a view to supplementing power supply for the Mornington community. This space would allow for a large staged solar farm development and the potential relocation of the existing diesel power station.**

RESPONSE

The subject site contains existing or is within close proximity to existing infrastructure services, including water supply, sewer, electricity and telecommunications. The site has an existing driveway crossover.

3.7 Infrastructure and Transport

3.7.7 Element – Pedestrian and cycle movement

3.7.7.1 Specific outcomes

(1) Pedestrian and cycle paths provide safe, convenient and accessible links between residential areas and key destinations for pedestrians, cyclists and other users of mobility devices.

3.7.7.2 Land use strategies

(1) Development in Gununa makes provision for pedestrian and cycle paths. Development in and around the Gununa town centre:

(a) contributes to a safe and convenient pedestrian environment; and

(b) promotes safe cycling.

RESPONSE

A pedestrian pathway is proposed to be constructed along the frontage of the site, proposed to be undertaken as part of future works separate to the subject development application.

5.3 Compliance with Applicable/Relevant Planning Scheme Code Provisions

A comprehensive assessment of the proposed development's compliance with the relevant codes of the Planning Scheme is provided at **Appendix E**. A summary of the proposed development compliance is provided below.

5.3.1 Centre Zone Code

It is identified that the Centre Zone Code is applicable to the assessment of the development proposal.

The proposed development contributes to Gununa's role as the main business and community centre, providing commercial and community uses in the town centre, providing activities that increase the self-sufficiency of Gununa, using land and building efficiently by taking up an infill opportunity, and reflects the needs lifestyle, history and culture of Morrington Shire. The Centre Zone Code specifically seeks the Council administration offices, meeting rooms and library to be located within the zone.

The proposed building is considered to be consistent with the scale and design of existing buildings and other structures in the Gununa Town Centre, and compatible with the local streetscape character. It is also understood that the intent is for new development to be designed with and incorporate sustainable practices with regard to energy consumption and water conservation, by way of use of solar power and water efficient fixtures and infrastructure.

Acceptable Outcome AO08 requires carparking to be provided as follows:

(a) All uses, except accommodation activities: 1 spaces per 50m² of gross floor area

(b) Accommodation activities: applicant to provide parking report to justify provision.

The proposed development comprises an approximate gross floor area in exceedance of 1,500m², therefore triggering the requirement for more than 30 car spaces to be provided on site.

The proposed site plan proposes 20 car spaces to be provided on site, therefore a shortfall of more than 10 on site car spaces is applicable to the development proposal.

Parking bays designed provided on site is sufficient for the first stage of the development.

Further stages of the development are shown in footprint only that incorporate further parking expanding the more detailed designed parking area as shown on the site plan. Car parking included into the future stages of development will be conditioned to be complied with in relevant stages site plans to be approved prior to development.

It is recommended the site and building plan be approved, subject to on-site parking be conditioned to comply with the requirements under the planning scheme.

With regard to acid sulfate soils, if any disturbance is caused by the development, treatment, and, if required, ongoing management of any disturbed acid sulfate soils and drainage waters must be undertaken in accordance with *Queensland Acid Sulfate Soil Technical Manual*.

The proposed development is considered to comply with the assessment benchmarks under the Centre Zone Code.

5.3.2 Airport Environs Overlay

It is identified that the Airport Environs Overlay is applicable to a portion of the northern part of the site.

The buildings and structures proposed as part of this development application are located in the southwest corner the site, predominately contained within the area of existing Lot 9. The proposed buildings and structures are not considered to be proposed within the area identified under the overlay. However, as a precautionary measure to ensure safety and the function of the airport is not compromised by the proposed development, suitable conditions could be included within the decision of the application specifically relating to ensuring a maximum building height of 5 metres, as prescribed by the code for Area A.

The proposed development includes a 'firepit' as part of the amphitheatre and ceremony space. An informal referral was made to CASA (Civil Aviation Safety Authority), whereby no objection to the proposal was raised.

The proposed development is considered to comply with the assessment benchmarks under the Airport Environs Overlay Code, subject to reasonable and relevant conditions.

5.3.3 Coastal Protection Overlay Code

The Coastal Protection Overlay Code is triggered by the proposed Operational Works for Earthworks.

The proposed development and site is not located within an erosion prone area, as identified on the Maps SC2.19, SC2.20 and SC2.21 – Coastal protection overlay (contained in Schedule 2 of the planning scheme).

The proposed development is or can be designed to retain vegetation on the site where possible, avoid water runoff erosion, and is unlikely to impact dune systems or disrupt sediment transport process given the infill site location separated by roadways.

The proposed development is considered to comply with the assessment benchmarks under the Coastal Protection Overlay Code, subject to reasonable and relevant conditions.

A complete Code Assessment is provided at **Appendix E**.

6 Other Particular Matters for Consideration

6.1 Cultural Heritage

6.1.1 Vegetation and Tree in Road Reserve

Existing vegetation is located over the subject site. It is understood existing vegetation is of cultural significance and is to be retained where possible.

An existing tree is situated within the Lardil Street Road Reserve. This street tree is understood to be of cultural heritage significance to the community and to be retained in its current state.

Site Photos (Lot 9 on SP247300) are provided at **Appendix F**.

6.2 Engineering and Infrastructure Connections

A basic, high-level engineering review of the proposed development and subject site indicated the following:

- That the stormwater pit within the site is connected to the stormwater line from the hospital to the stormwater line in Djinkiya Street;
- The old GFIS does not show a water main on the Lardil Street footpath fronting the site as shown on the survey plan. This may be a new main.

Based on the review, the following conditions are recommended for consideration:

- All new infrastructure services to be designed to comply with the FNQROC Design Manual as required by the Planning Scheme.
- Future carpark to drain to the existing stormwater pit within the site or alternatively connected by underground drainage to the existing stormwater pipe in Djinkiya Street.
- Water supply to the new offices to be connected to the existing water main in Djinkiya Street.
- Any soil excavated below 5 m AHD to be tested for acid sulfate in accordance with the National Acid Sulfate Soil Sampling and Identification Methods Manual / *Queensland Acid Sulfate Soil Technical Manual*.

7 Conclusion

This Town Planning Report accompanies a development application over land located at the Corner of Lardil and Jinkiya Streets, Gununa, Morningside Island, described as Lot 9 and Lot 10 on SP247300, made by Morningside Shire Council, seeking a Development Permit for Material Change of Use (*Office, Outdoor sport and recreation, and Community use*), Reconfiguring a Lot (Boundary Realignment), and Operational Works (Earthworks).

The information provided in this report, and accompanying appendices, demonstrates that the proposed development achieves compliance with the applicable provisions of the statutory town planning framework.

We therefore recommend that Council favourably consider the proposed development and approve the development application, subject to reasonable and relevant conditions.

If you have any queries, please contact the Morningside Shire Council Chief Executive Officer.

APPENDIX

A

DA FORM 1

DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

| 1) Applicant details | |
|---|--|
| Applicant name(s) (individual or company full name) | Mornington Shire Council |
| Contact name (only applicable for companies) | Chief Executive Officer – Mornington Shire Council |
| Postal address (P.O. Box or street address) | 1 Mission Road |
| Suburb | Gununa |
| State | QLD |
| Postcode | 4892 |
| Country | Australia |
| Contact number | (07) 4745 7800 |
| Email address (non-mandatory) | |
| Mobile number (non-mandatory) | |
| Fax number (non-mandatory) | |
| Applicant's reference number(s) (if applicable) | |

| 2) Owner's consent | |
|---|--|
| 2.1) Is written consent of the owner required for this development application? | |
| <input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application | |
| <input type="checkbox"/> No – proceed to 3) | |

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

- ☐ Street address **AND** lot on plan (all lots must be listed), **or**
☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

| | | | | |
|----|----------|------------|------------------------------------|--------------------------|
| a) | Unit No. | Street No. | Street Name and Type | Suburb |
| | | | Jinkiya Street | Wellesley Islands |
| | Postcode | Lot No. | Plan Type and Number (e.g. RP, SP) | Local Government Area(s) |
| | | 9 | SP247300 | Mornington |
| b) | Unit No. | Street No. | Street Name and Type | Suburb |
| | | | Kathan Kathan Street | Wellesley Islands |
| | Postcode | Lot No. | Plan Type and Number (e.g. RP, SP) | Local Government Area(s) |
| | | 10 | SP247300 | Mornington |

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

- ☐ Coordinates of premises by longitude and latitude

| | | | |
|--------------|-------------|--|--|
| Longitude(s) | Latitude(s) | Datum | Local Government Area(s) (if applicable) |
| | | <input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/> | |

- ☐ Coordinates of premises by easting and northing

| | | | | |
|------------|-------------|---|--|--|
| Easting(s) | Northing(s) | Zone Ref. | Datum | Local Government Area(s) (if applicable) |
| | | <input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56 | <input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/> | |

3.3) Additional premises

- ☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application
☒ Not required

4) Identify any of the following that apply to the premises and provide any relevant details

| | |
|--|----------------------|
| <input type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer | |
| Name of water body, watercourse or aquifer: | <input type="text"/> |
| <input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i> | |
| Lot on plan description of strategic port land: | <input type="text"/> |
| Name of port authority for the lot: | <input type="text"/> |
| <input type="checkbox"/> In a tidal area | |
| Name of local government for the tidal area (if applicable): | <input type="text"/> |
| Name of port authority for tidal area (if applicable): | <input type="text"/> |
| <input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> | |
| Name of airport: | <input type="text"/> |

| |
|---|
| <input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i> |
| EMR site identification: <input type="text"/> |
| <input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i> |
| CLR site identification: <input type="text"/> |

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

- ☒ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☒ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment ☒ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Office, Outdoor sport and recreation, Community Use

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).*

- ☒ Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use ☒ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☒ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☒ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Boundary Realignment

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

- ☒ Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

- ☒ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☐ Not required

Section 2 – Further development details

| 7) Does the proposed development application involve any of the following? | |
|--|---|
| Material change of use | <input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument |
| Reconfiguring a lot | <input checked="" type="checkbox"/> Yes – complete division 2 |
| Operational work | <input checked="" type="checkbox"/> Yes – complete division 3 |
| Building work | <input type="checkbox"/> Yes – complete DA Form 2 – Building work details |

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

| 8.1) Describe the proposed material change of use | | | |
|--|--|---|---|
| Provide a general description of the proposed use | Provide the planning scheme definition (include each definition in a new row) | Number of dwelling units (if applicable) | Gross floor area (m ²) (if applicable) |
| Administration office, splash park, cyclone shelter, entertainment centre, training centre, community space, library | Office, Outdoor sport and recreation, Community Use | N/A | >1500 |
| | | | |
| | | | |
| 8.2) Does the proposed use involve the use of existing buildings on the premises? | | | |
| <input type="checkbox"/> Yes | | | |
| <input checked="" type="checkbox"/> No | | | |

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

| 9.1) What is the total number of existing lots making up the premises? | |
|---|---|
| Two (2) | |
| 9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes) | |
| <input type="checkbox"/> Subdivision (complete 10)) | <input type="checkbox"/> Dividing land into parts by agreement (complete 11)) |
| <input checked="" type="checkbox"/> Boundary realignment (complete 12)) | <input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13)) |

| 10) Subdivision | | | | |
|---|-------------|------------|------------|------------------------|
| 10.1) For this development, how many lots are being created and what is the intended use of those lots: | | | | |
| Intended use of lots created | Residential | Commercial | Industrial | Other, please specify: |
| | | | | |
| Number of lots created | | | | |
| 10.2) Will the subdivision be staged? | | | | |
| <input type="checkbox"/> Yes – provide additional details below | | | | |
| <input type="checkbox"/> No | | | | |
| How many stages will the works include? | | | | |
| What stage(s) will this development application apply to? | | | | |

| 11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts? | | | | |
|---|-------------|------------|------------|------------------------|
| Intended use of parts created | Residential | Commercial | Industrial | Other, please specify: |
| Number of parts created | | | | |

| 12) Boundary realignment | | | |
|---|------------------------|-------------------------|------------------------|
| 12.1) What are the current and proposed areas for each lot comprising the premises? | | | |
| Current lot | | Proposed lot | |
| Lot on plan description | Area (m ²) | Lot on plan description | Area (m ²) |
| Lot 9 on SP247300 | 28400 | Lot 9 | 27300 (approximately) |
| Lot 10 on SP247300 | 6025 | Lot 10 | 7125 (approximately) |
| 12.2) What is the reason for the boundary realignment? | | | |
| Boundary to align with existing fenceline and on-site stormwater infrastructure | | | |

| 13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements) | | | | |
|--|-----------|------------|---|---|
| Existing or proposed? | Width (m) | Length (m) | Purpose of the easement? (e.g. pedestrian access) | Identify the land/lot(s) benefitted by the easement |
| | | | | |
| | | | | |

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

| 14.1) What is the nature of the operational work? | |
|--|--|
| <input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify: | <input type="checkbox"/> Stormwater <input checked="" type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation |
| 14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision) | |
| <input type="checkbox"/> Yes – specify number of new lots: | |
| <input checked="" type="checkbox"/> No | |
| 14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour) | |
| \$ TBC | |

PART 4 – ASSESSMENT MANAGER DETAILS

| 15) Identify the assessment manager(s) who will be assessing this development application |
|---|
| Mornington Shire Council |
| 16) Has the local government agreed to apply a superseded planning scheme for this development application? |
| <input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No |

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

☒ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees (*category 3 levees only*)
- ☐ Wetland protection area

Matters requiring referral to the **local government:**

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

| |
|--|
| <input type="checkbox"/> Heritage places – Local heritage places |
| Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: |
| <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure |
| Matters requiring referral to: |
| <ul style="list-style-type: none"> • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual |
| <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure |
| Matters requiring referral to the Brisbane City Council: |
| <input type="checkbox"/> Ports – Brisbane core port land |
| Matters requiring referral to the Minister responsible for administering the <i>Transport Infrastructure Act 1994</i>: |
| <input type="checkbox"/> Ports – Brisbane core port land (<i>where inconsistent with the Brisbane port LUP for transport reasons</i>) |
| <input type="checkbox"/> Ports – Strategic port land |
| Matters requiring referral to the relevant port operator , if applicant is not port operator: |
| <input type="checkbox"/> Ports – Land within Port of Brisbane's port limits (<i>below high-water mark</i>) |
| Matters requiring referral to the Chief Executive of the relevant port authority: |
| <input type="checkbox"/> Ports – Land within limits of another port (<i>below high-water mark</i>) |
| Matters requiring referral to the Gold Coast Waterways Authority: |
| <input type="checkbox"/> Tidal works or work in a coastal management district (<i>in Gold Coast waters</i>) |
| Matters requiring referral to the Queensland Fire and Emergency Service: |
| <input type="checkbox"/> Tidal works or work in a coastal management district (<i>involving a marina (more than six vessel berths)</i>) |

| | | |
|---|-----------------|---------------------------|
| 18) Has any referral agency provided a referral response for this development application? | | |
| <input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application | | |
| <input checked="" type="checkbox"/> No | | |
| Referral requirement | Referral agency | Date of referral response |
| | | |
| | | |
| Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application (<i>if applicable</i>). | | |
| | | |

PART 6 – INFORMATION REQUEST

| |
|--|
| 19) Information request under Part 3 of the DA Rules |
| <input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application |
| <input type="checkbox"/> I do not agree to accept an information request for this development application |
| Note: By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> • that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties • Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. Further advice about information requests is contained in the DA Forms Guide . |

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

- ☐ Yes – provide details below or include details in a schedule to this development application
☒ No

| List of approval/development application references | Reference number | Date | Assessment manager |
|---|------------------|------|--------------------|
| <input type="checkbox"/> Approval <input type="checkbox"/> Development application | | | |
| <input type="checkbox"/> Approval <input type="checkbox"/> Development application | | | |

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application
☒ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
☐ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

| Amount paid | Date paid (dd/mm/yy) | QLeave levy number (A, B or E) |
|-------------|----------------------|--------------------------------|
| \$ | | |

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- ☐ Yes – show cause or enforcement notice is attached
☒ No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
☒ No

Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

| | | | |
|----------------------|--|-------------------------|--|
| Proposed ERA number: | | Proposed ERA threshold: | |
| Proposed ERA name: | | | |

- ☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

- ☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application
☒ No

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

☐ Yes – the development application involves premises in the koala habitat area in the koala priority area

☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area

☒ No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.des.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the *Water Act 2000***?

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works**?

☐ Yes – the relevant template is completed and attached to this development application

☒ No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the Water Supply Act)?

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application
☒ No

Note: See guidance materials at www.dnrme.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - ☐ A certificate of title
- ☒ No

Note: See guidance materials at www.des.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- ☐ Yes – details of the heritage place are provided in the table below
☒ No

Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.

| | | | |
|-----------------------------|--|-----------|--|
| Name of the heritage place: | | Place ID: | |
|-----------------------------|--|-----------|--|

Brothels

23.14) Does this development application involve a **material change of use for a brothel**?

- ☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
☒ No

Decision under section 62 of the Transport Infrastructure Act 1994

23.15) Does this development application involve new or changed access to a state-controlled road?

- ☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
☒ No

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ No

Note: See guidance materials at www.planning.dsdmip.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

☒ Yes

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

☒ Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

☐ Yes

☒ Not applicable

25) Applicant declaration

☒ By making this development application, I declare that all information in this development application is true and correct

☐ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received:

Reference number(s):

Notification of engagement of alternative assessment manager

| | |
|---|--|
| Prescribed assessment manager | |
| Name of chosen assessment manager | |
| Date chosen assessment manager engaged | |
| Contact number of chosen assessment manager | |
| Relevant licence number(s) of chosen assessment manager | |

QLeave notification and payment

Note: For completion by assessment manager if applicable

| | |
|---|----------------------|
| Description of the work | |
| QLeave project number | |
| Amount paid (\$) | Date paid (dd/mm/yy) |
| Date receipted form sighted by assessment manager | |
| Name of officer who sighted the form | |

Additional development aspect (third)

☒ Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the third development aspect

a) What is the type of development? *(tick only one box)*

☐ Material change of use ☐ Reconfiguring a lot ☒ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

☒ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

☒ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots)*:

Earthworks (Associated with proposed development)

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

☒ Relevant plans of the proposed development are attached to the development application

APPENDIX

B

OWNER'S CONSENT

Consent to the making of a development application
Section 51(2) of the *Planning Act 2016*

I Graham King, Chief Executive Officer

Of:

Mornington Shire Council

the entity being the owner of the premises described as follows:

Lot 9 & 10, on SP247300, at
Lardil Street, Gununa, Mornington Island

consent to the making of a development application under the *Planning Act 2016* by:

Remote Indigenous Land and Infrastructure Program Office, Department of Seniors, Disability
Services and Aboriginal and Torres Strait Islander Partnerships

on the premises described above for:

This proposal seeks approval for i) the development of the Mornington Shire Council's new
Administration Offices and ancillary uses on Lot 9 and ii) the realignment of the boundaries
between lot 9 & 10.

Mornington Shire Council

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| <p>.....</p> <p>CEO</p> <p><i>G.T. King</i></p> | <p><i>02/09/2021</i></p> <p>.....</p> <p>Date</p> |
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