

**DELEGATED REPORT**

**SUBJECT:** O DAVIES - MATERIAL CHANGE OF USE - COMMUNITY USE (MUSEUM) - LOT 505 ON HG727 AND LOTS 506 - 508 ON HG714 - 45-51 RALEIGH STREET, DIMBULAH - MCU/18/0002

**DATE:** 27 April 2018

**REPORT OFFICER'S TITLE:** Planning Officer

**DEPARTMENT:** Corporate and Community Services

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	O Davies	<b>ADDRESS</b>	45 - 51 Raleigh Street, Dimbulah
<b>DATE LODGED</b>	17 January 2018	<b>RPD</b>	Lot 505 on HG727 and Lots 506 - 508 on HG714
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Community Use (Museum)		

<b>FILE NO</b>	MCU/18/0002	<b>AREA</b>	Lot 505 - 506m <sup>2</sup> Lot 506 - 615m <sup>2</sup> Lot 507 - 537m <sup>2</sup> Lot 508 - 569m <sup>2</sup>
<b>LODGED BY</b>	O Davies	<b>OWNER</b>	O Davies
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Council Planning Scheme 2016		
<b>ZONE</b>	Centre zone		
<b>LEVEL OF ASSESSMENT</b>	Code assessment		
<b>SUBMISSIONS</b>	n/a		

**ATTACHMENTS:**

1. Proposal Plan/s
2. Department of Infrastructure, Local Government and Planning Referral Agency Response dated 8 March 2018

**EXECUTIVE SUMMARY**

*Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.*

*The application has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant aspect of the Planning Scheme.*

*The key issue with the proposed development is ensuring amenity impacts to a neighbouring residential use are minimised. It is considered this issue can be adequately addressed through conditions of approval.*

*Draft conditions were provided to the Applicant and have been agreed to. It is therefore recommended that the application be approved in full, subject to conditions.*

## OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	O Davies	<b>ADDRESS</b>	45 - 51 Raleigh Street, Dimbulah
<b>DATE LODGED</b>	17 January 2018	<b>RPD</b>	Lot 505 on HG727 and Lots 506 - 508 on HG714
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Community Use (Museum)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Community Use (Museum)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan - Historic Museum	Applicant	18/04/2018

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

- found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

## 2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
- 2.3 Prior to the commencement of use, the applicant must provide a letter from the State Referral Agency confirming that the Department is satisfied their conditions are complied with and/or that the department has no objections to the commencement of the use.

## 3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

### 3.4 Noise Control

Refrigeration equipment, pumps, filter systems, mechanical plant, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

### 3.5 Waste Management

On-site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

### 3.6 Hours of Operation

The permitted operating hours shall be between 7am and 6pm Monday to Sunday.

### 3.7 Signage

#### 3.7.1 Building Signage

Any signage erected on any buildings:

- Must only contain content relating to the approved use;
- Must not exceed the height of the building they are mounted on; and
- Must not move, revolve, strobe or flash;

3.7.2 All signage must be kept clean, in good order and safe repair for the life of the development, and must be removed when no longer required, to the satisfaction of Council's delegated officer.

The erection and use of any advertising signage must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

### 3.8 Building Height

Building height shall not exceed 5.5 metres above ground level.

## 4. Infrastructure Services and Standards

### 4.1 Access

A **commercial** access crossover (at minimum) must be constructed (from the edge of Raleigh Street to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

#### 4.2 Stormwater Drainage/Water Quality

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 All stormwater must be collected from site and discharged to an approved legal point of discharge.

#### 4.3 Car Parking/Internal Driveways

Any on-site car parking spaces and internal driveways/vehicle manoeuvring areas (trafficable areas) must be maintained/surface treated to minimise dust nuisance to adjoining properties, to the satisfaction of Council's delegated officer.

Should Council receive a substantiated complaint regarding dust nuisance generated from the subject site as a result of the approved use, all trafficable areas associated with the approved use must be concrete, asphalt or bitumen sealed within 3 months of the complaint being received, to the satisfaction of Council's delegated officer.

#### 4.4 Landscaping & Fencing

4.4.1 Prior to the commencement of the use, the applicant/developer is to prepare and submit a landscape plan which must include, at minimum, a 1 metre wide landscape strip along the entire Raleigh and Hyde Street frontages of the site (where no buildings/structures exist) with maximum plant spacing of 1 metre, to the satisfaction of Council's delegated officer.

Plant species used must be selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

All landscaping must be carried out in accordance with the approved landscape plan and must be mulched, irrigated and maintained for the life of the development.

4.4.2 1.8-metre-high solid screen fencing of neutral colour, is to be erected along the entire common boundary between the subject land and Lot 4 on MPH33199, to the satisfaction of Council's delegated officer.

All fencing must be kept clean, in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

**Timing for Condition 4.4.2 - To be completed within three (3) months of Council receiving written notice from the existing or any subsequent owner of Lot 4 on MPH33199 that they wish for the fence to be erected.**

#### 4.5 Lighting

Where lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

#### 4.6 Water Supply

A water service connection must be provided to the subject lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.7 On-Site Wastewater Management

All on site effluent disposal associated with the approved uses must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (AS/NZS1547) to the satisfaction of the Council's delegated officer.

### (D) ASSESSMENT MANAGER'S ADVICE

#### (a) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

#### (b) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

#### (c) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(d) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.environment.gov.au](http://www.environment.gov.au)

(e) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

(E) CONCURRENCE AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 8 March 2018.

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Material Change of Use – six (6) years (starting the day the approval takes effect);

(G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee).

## THE SITE

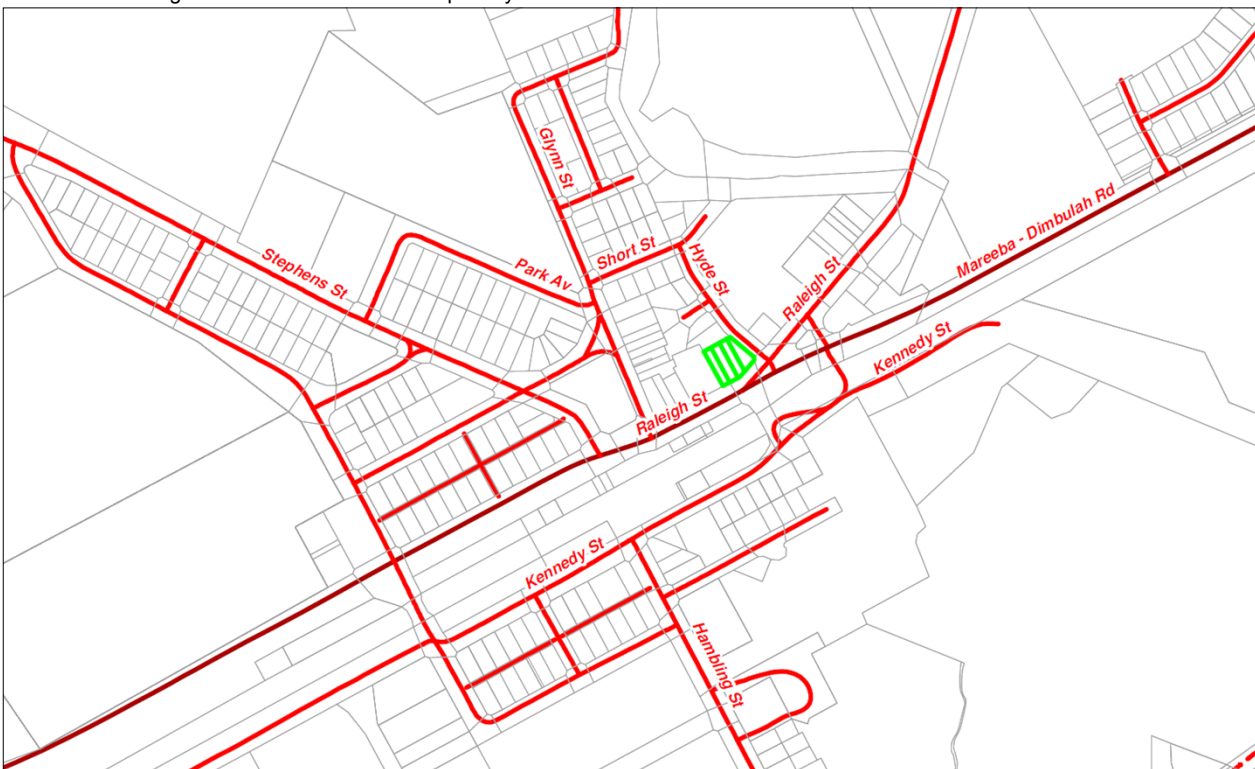
The subject land is made up of 4 lots situated at 45 - 51 Raleigh Street, Dimbulah, and is more particularly described as Lot 505 on HG727 and Lots 506 - 508 on HG714. The land has a total combined area of 2,227m<sup>2</sup> and is zoned Centre under the Mareeba Shire Council Planning Scheme 2016. The subject land has a combined frontage of 52 metres to Raleigh Street and a further 43 metres of frontage to Hyde Street. Both roads are constructed to bitumen sealed standards.

Lots 506 - 508 remain unimproved while Lot 505 is improved by the "Camp 64" café built right to front boundary of the lot (Raleigh Street) as well as a number of sheds sited toward the rear of the lot. The land is connected to all available urban services, with the exception of town sewer which not available in Dimbulah. All lots immediately adjoining the subject land are also zoned Centre.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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The Dimbulah Pub (Junction Hotel) is situated immediately to the west of the subject land and the Dimbulah Catholic Primary School (St. Anthony's) is sited just to the north-east of the subject land on the opposite side of Hyde Street.

## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Community Use (Museum) in accordance with the plans shown in **Attachment 1**.

The applicant proposes the establishment of a museum type use on the subject land that will feature primarily historic buildings, items and machinery for display to the public. The proposed built form will include 2 main display sheds, a blacksmith building and the reuse of a log building sourced from a Cape York cattle station.

The applicant has provided the following information:

*"It is proposed to construct two main display sheds to house the machinery, a blacksmith and reconstruct a log building retrieved from a Cape York station.*

*All buildings to be constructed are to be in keeping with the era and much of the material sourced will be from the demolition of old rural buildings and of post and beam construction.*

*It is envisaged that the displays will predominately attract like minded people, that being the case visitor numbers are likely to be minimal.*

*The focus of this project is driven by my own personal passion and is not in any way motivated towards financial gain, there will be no entry fee.*

*The attached plan does not allow for public car parking within the property boundaries and taking into account that interest in the displays won't attract numbers beyond the average passing trade then the existing street parking would appear to be more than adequate.*

*Noise. All engines are low revving and silenced, if there were to be any exception then running time would be limited to short duration and at a time of day that would be considered reasonable.*

*Safety. All working machinery to be barricaded well beyond the reach of those viewing the demonstrations and visitors will be guided and not left unattended, there will be no steam boilers in operation.*

*Fire. Extinguishers appropriately located and rated for oil and petrol.*

*Insurance. Public liability to the minimum requirement.*

*Conclusion. I would like to emphasis that this is not a commercial venture and is aimed at like minded people who share a common interest, my own interest in collectables goes back many decades."*

Lot 505 on HG727, which currently contains the "Camp 64" café owned by the applicant, has been included as part of the application as access to the proposed museum will be provided through the café.

## REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Dimbulah is identified as a Village Activity Centre in the Regional Plan. The subject land is not mapped as containing any areas of ecological significance.

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• Centre Area</li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>• State Controlled Road</li> <li>• B-double Route</li> </ul>
Zone:	Centre Zone
Overlays:	Regional Infrastructure and Substations Overlay Transport Infrastructure Overlay

## Planning Scheme Definitions

The proposed use is defined as:-

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
<b>Community use</b>	<i>Premises used for providing artistic, social or cultural facilities and community support services to the public and may include the ancillary preparation and provision of food and drink.</i>	<i>Art gallery, community centre, community hall, library, museum</i>	<i>Cinema, club, hotel, nightclub entertainment facility, place of worship</i>

## RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

### (a) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

**(b) State Planning Policy**

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

**(c) Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)****Relevant Development Codes**

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.1 Centre zone code
- 9.3.3 Community activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcome criteria where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

<b>Relevant Codes</b>	<b>Comments</b>
Centre zone code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following: <ul style="list-style-type: none"> <li>▪ Acceptable Outcomes AO2.1</li> </ul> Refer to planning discussion section of report.
Community activities code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following: <ul style="list-style-type: none"> <li>▪ Acceptable Outcomes AO1</li> </ul> Refer to planning discussion section of report.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.

**(e) Planning Scheme Policies/Infrastructure Charges Plan**

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

## REFERRALS

### Concurrence

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning (SARA - DTMR) as a Concurrence Agency.

That Department advised in a letter dated 8 March 2018 that they require the conditions to be attached to any approval (**Attachment 2**).

### Advice

This application did not trigger referral to an Advice Agency.

### Internal Consultation

Not applicable.

## PLANNING DISCUSSION

Noncompliance with the relevant acceptable outcomes of the following development codes is discussed below. Where the development cannot comply with an acceptable outcome, it is considered compliance with the higher order performance outcome can be achieved.

### Centre Zone Code

#### *Siting*

#### **PO2**

*Development is sited in a manner that considers and respects:*

- (a) the siting and use of adjoining premises;*
- (b) access to sunlight and daylight for the site and adjoining sites;*
- (c) privacy and overlooking;*
- (d) opportunities for casual surveillance of adjoining public spaces;*
- (e) air circulation and access to natural breezes;*
- (f) appearance of building bulk; and*
- (g) relationship with pedestrian spaces.*

#### **AO2.1**

*Buildings are built to the road frontage/s of the site.*

#### Comment

As shown on the submitted site plan, only 1 of the 4 museum display buildings will be built right to the road frontages of the subject land. Despite not complying with AO2.1 for this reason, the proposed development will not compromise performance outcome PO2 given the nature and scale of the use.

### Parking and Access Code

#### **PO1**

*Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the:*

- (a) nature of the use;*
- (b) location of the site;*

- (c) *proximity of the use to public transport services;*
- (d) *availability of active transport infrastructure; and*
- (e) *accessibility of the use to all members of the community.*

**AO1**

*The number of car parking spaces provided for the use is in accordance with Table 9.4.3.3B.*  
Comment

The proposed development does not provide for any on-site car parking. The development is expected to generate very low levels of traffic and it is considered that existing on-street car parking along both Hyde Street, and Raleigh Street (31 parking spaces not including those immediately out the front of the pub) will provide sufficient parking to accommodate the low demand likely to be generated by the use.

The proposed development is considered to comply with PO1.

**Date Prepared:** 27 April 2018

## DECISION BY DELEGATE

## DECISION

Having considered the Planning Officer's report detailed above, I approve, as delegate of Council, the application subject to the conditions listed in the report.

Dated the 27<sup>TH</sup> day of APRIL 2018



**BRIAN MILLARD**  
**SENIOR PLANNER**

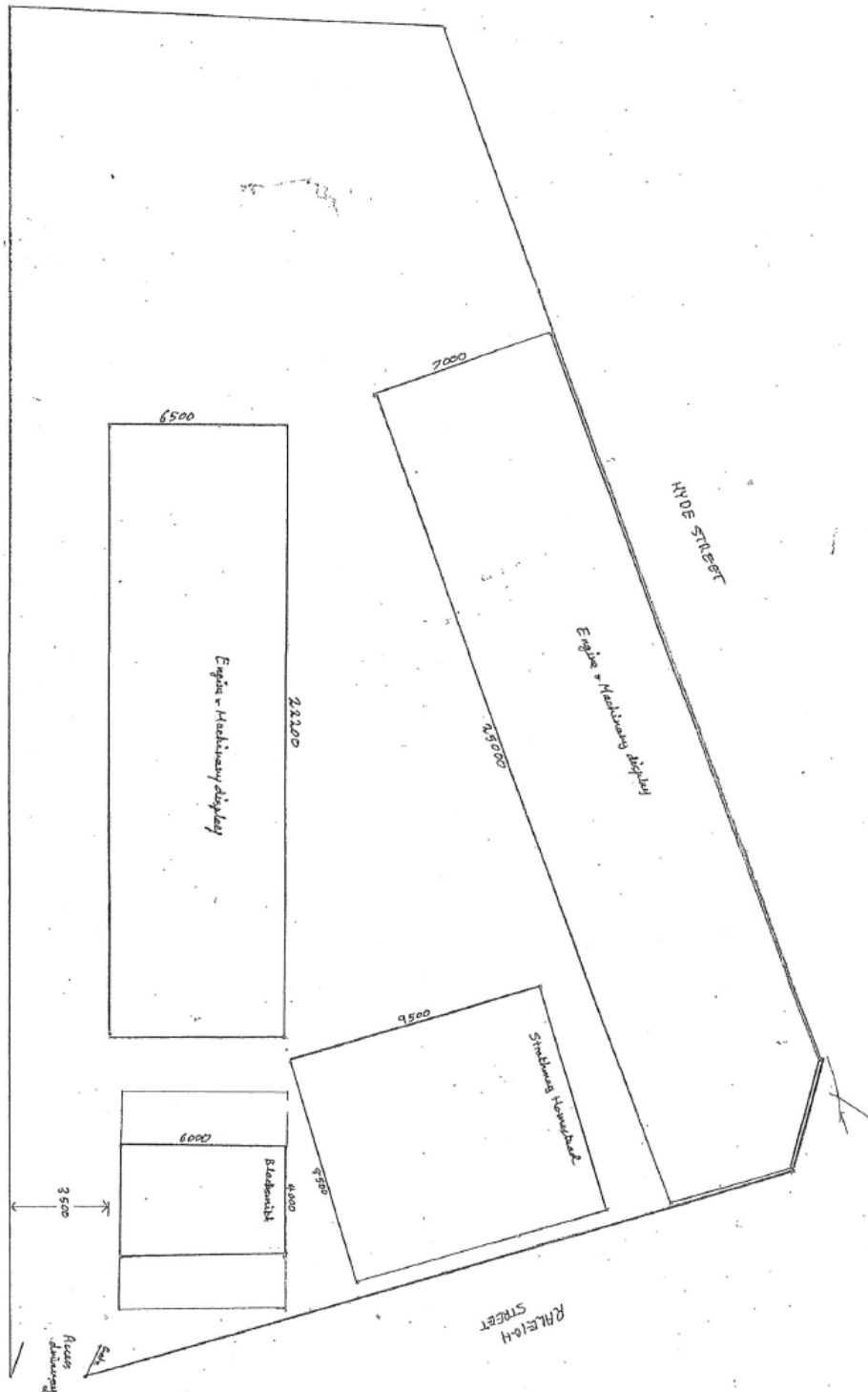
MAREEBA SHIRE  
AS DELEGATE OF THE COUNCIL

ATTACHMENT 1

APPROVED PLANS (ECM Doc Set ID 3360557)

Site Plan - Historic Museum

18/04/2018



## ATTACHMENT 2

RA6-N



Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

Our reference: 1801-3555 SRA  
 Your reference: MCU/18/002  
 Applicant reference: museum

8 March 2018

Chief Executive Officer  
 Mareeba Shire Council  
 PO Box 154  
 MAREEBA QLD 4880  
 planning@msc.qld.gov.au

*Attention: Carl Ewin*

Dear Sir / Madam

**Referral agency response—with conditions**

(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 18 January 2018.

**Applicant details**

Applicant name:	Owen Wilson Davies
Applicant contact details:	45-47 Raleigh Street Dimbulah davies.freepirit@gmail.com

**Location details**

Street address:	45-51 Raleigh Street Dimbulah
Real property description:	Lot 505 on HG727 Lot 506 on HG714 Lot 507 on HG714 Lot 508 on HG714
Local government area:	Mareeba Shire Council

**Application details**

Development permit	Development Permit for Material Change of Use Community use (museum)
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Far North Queensland regional office  
 Ground Floor  
 Corner Grafton and Hartley Streets  
 PO Box 2358, Cairns QLD 4870



### Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

### Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

### Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

### Advice to the assessment manager

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

### Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version / issue
<b>Aspect of development: Material change of use</b>				
Permitted road access location	Department of State Development, Manufacturing, Infrastructure and Planning	05 March 2018	1801-3555 SRA	A

A copy of this response has been sent to the applicant for their information.

For further information please contact Michele Creecy, Senior Planning Officer, on 4037 3206 or via email [CairnsSARA@dilgp.qld.gov.au](mailto:CairnsSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc [davies.freepirit@gmail.com](mailto:davies.freepirit@gmail.com)

enc Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Advice to the assessment manager  
Approved plans and specifications

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Aspect of development – Material change of use – Community use (museum)</b>		
<b>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 –State-controlled road</b> —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The permitted road access locations between Lots 506 and 507 on HG714 and the state-controlled road (Raleigh Street, also known as Mareeba-Dimbulah Road), is to be located, in accordance with the TMR Layout Plan (664 – 47.84 km), prepared by Queensland Government Transport and Main Roads, dated 05/03/2018, Reference TMR18-23673 (500-1000), Issue B.	At all times.
2.	Direct access is not permitted between Lot 508 on HG714 and the state-controlled road (Raleigh Street, also known as Mareeba-Dimbulah Road).	At all times

**Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure that the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.

## Attachment 3—Advice to the assessment manager

General advice	
Ref.	Advertising Device
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (TMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: TMR has powers under section 139 of the <i>Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015</i> to require removal or modification of an advertising sign and / or a device which is deemed that it creates a danger to traffic.</p>
Ref.	Road access approval
2.	<p>The applicant is required to seek a section 62 approval for Lot 506 on HG714. Under section 62 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads (DTMR) to lawfully operate, construct, maintain and carry out road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads on 4045 7144 at the Cairns district office to make an application for approval under section 62.</p> <p><b>The road access approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining an access approval is not delayed.</b></p>

**Approved plans and specifications**

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