

DELEGATED REPORT

SUBJECT: **GOLDEN DROP - OPERATIONAL WORKS - ADVERTISING DEVICE - LOT 287 ON NR7418 - 293 MULLIGAN HIGHWAY, MAREEBA - OPW/19/0001**

DATE: 27 March 2019

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Golden Drop	ADDRESS	293 Mulligan Highway, Mareeba
DATE LODGED	4 March 2019	RPD	Lot 287 on NR7418
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Operational Works - Advertising Device		

FILE NO	OPW/19/0001	AREA	9,999m ²
LODGED BY	U&i Town Plan	OWNER	S Musumeci
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	N/A - Code Assessment Only		

ATTACHMENTS: 1. Proposal Plan/s

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 applicants propose the relocation of an existing 6m x 3m (18m²) advertising billboard which is currently situated on the eastern side of the Mulligan Highway to a point approximately 750 metres to the south on the western side of the Highway. The billboard will be erected in the south-east corner of the site facing the Mulligan Highway and will address road users travelling in a northerly direction. Being a relocation only, the development will not result in a net increase in advertising devices along this stretch of the Highway which falls between Mareeba and Bibbohra.

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

It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
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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), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Operational Works - Advertising Device

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
OP-19 (1)	Proposed Plan - Relocation of Advertising Device	U&I Town Plan	13/02/19
OP-19 (2)	Site Plan - Freestanding Advertising Device	U&I Town Plan	13/02/19
OP-19 (3)	Elevation - Freestanding Advertising Device	U&I Town Plan	13/02/19

(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 plan/s and the facts and circumstances of the development 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. General

- 2.1 The existing Golden Drop Winery billboard on Lot 171 on SP129902 must be removed prior to or simultaneously to the erection of the approved advertising billboard (on Lot 287 on NR7418).
- 2.2 The approved advertising billboard and any future advertising content must not, to the satisfaction of Council's delegated officer:
- resemble traffic control devices;
 - give instructions to traffic (other than the location of the business);
 - resemble a hazard or warning light;
 - incorporate highly reflective materials or finishes; and
 - be illuminated, move, revolve, strobe or flash.
- 2.3 The approved advertising billboard must be kept clean, in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.
- 2.4 The sign face area of the approved advertising billboard shall not exceed 18m² (6m x 3m).
- 2.5 No part of the advertising billboard is permitted to encroach on the State controlled road reserve (Mulligan Highway).
- 2.6 The approved advertising billboard must comply with the relevant criteria for billboards (> 4m²) set out in the Department of Transport and Main Roads Roadside Advertising Manual (as amended).

(D) ASSESSMENT MANAGER'S ADVICE

(a) Compliance with Acts and Regulations

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

(F) RELEVANT PERIOD

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

- Two (2) years (starting the day the approval takes effect).

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

- Development Permit for Building Work

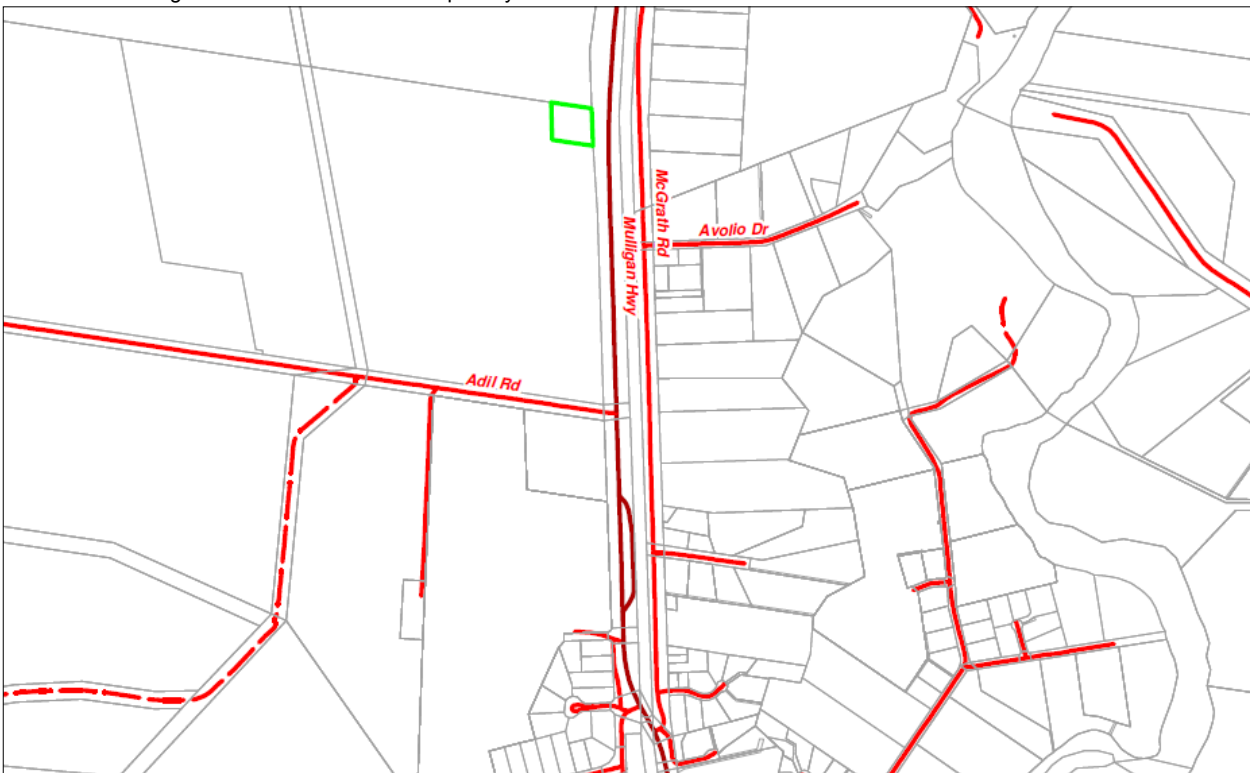
(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil



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 SITE

The subject site is situated at 293 Mulligan Highway, Mareeba and is described as Lot 287 on NR7418. The site is generally regular in shape with a total area of 9,999m² and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. The site contains 96.5 metres of frontage to the Mulligan Highway which is constructed to a bitumen sealed standard and the site is accessed from the Highway via a single gravel crossover.

The site is improved by a single dwelling and multiple outbuildings situated on the eastern half of the site set amongst extensive mature landscaping (gardens). The two lots that immediately adjoin the site are both zoned rural and are used for cropping. Rural residential lots exist to the east, separated from the site by the Mulligan Highway, a section of rail corridor, then McGrath Road.

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Operational Works - Advertising Device in accordance with the plans shown in **Attachment 1**.

The applicants propose the relocation of an existing 6m x 3m (18m²) advertising billboard which is currently situated on the eastern side of the Mulligan Highway to be relocated to a point approximately 750 metres to the south on the western side of the Highway. The billboard will be erected in the south-east corner of the site facing the Mulligan Highway and will address road users travelling in a northerly direction. Being a relocation only, the development will not result in a net increase in advertising devices along this stretch of the Highway which falls between Mareeba and Bibbohra.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The site contains no areas of ecological significance.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> ▪ Rural Agricultural Area Infrastructure Elements <ul style="list-style-type: none"> ▪ Major Electrical Infrastructure Transport Elements <ul style="list-style-type: none"> ▪ State Controlled Road ▪ B-double Route ▪ Principal Cycle Route
Zone:	Rural Zone
Overlays:	<ul style="list-style-type: none"> - Flood Hazard Overlay - Regional Infrastructure Corridors and Substations Overlay - Transport Infrastructure Overlay

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 Council Planning Scheme 2016

Relevant Development Codes

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

6.2.9	Rural zone code
8.2.6	Flood hazard overlay code
8.2.9	Regional infrastructure corridors and substations overlay code
8.2.12	Transport infrastructure overlay code
9.4.1	Advertising devices code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural Zone Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no

	<p>acceptable outcome has been provided) contained within the code apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcome AO2.1 <p>In this instance it is considered that the development can achieve compliance with the higher order performance outcome (refer to code document for commentary).</p>
Flood Hazard Overlay Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome has been provided) contained within the code.</p>
Regional Infrastructure Corridors and Substations Overlay Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome has been provided) contained within the code apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcome AO2.2 <p>In this instance it is considered that the development can achieve compliance with the higher order performance outcome (refer to code document for commentary).</p>
Transport Infrastructure Overlay Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome has been provided) contained within the code.</p>
Advertising Devices Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome has been provided) contained within the code apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcome AO2.1 <p>In this instance it is considered that the development can achieve compliance with the higher order performance outcome (refer to code document for commentary).</p>

(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 the FNQROC Development Manual.

REFERRALS

This application did not trigger referral to any Referral Agency.

Advice

This application did not trigger referral to any Advice Agency.

PLANNING DISCUSSION

Nil

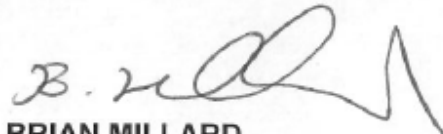
Date Prepared: 27 March 2019

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 27TH day of MARCH 2019



BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

Proposed Plan - Relocation of Advertising Device
Located at 293 Mulligan Highway, Mareeba



Site Plan - Freestanding Advertising Device Located at 293 Mulligan Highway, Mareeba



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is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.

Elevation - Freestanding Advertising Device
Located at 293 Mulligan Highway, Mareeba

