

PLANNING AND ENVIRONMENT COMMITTEE 15 MARCH 2023	3
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BROTHERS LEAGUES CLUB – 99-107 ANDERSON STREET, MANUNDA – DIVISION 7

Hannah Dayes: 835 / 2022: 7121466

<u>PROPOSAL:</u>	ADVERTISING DEVICE (DIGITAL AND WALL SIGN)
<u>LANDOWNER:</u>	BROTHERS R/LEAGUE F/BALL CLUB INC
<u>APPLICANT:</u>	BROTHERS LEAGUES CLUB (CAIRNS) LTD C/- NORTHPOINT ADVISORY - ADAM SMITH 91 CYLINDERS DR KINGSCLIFF NSW 2487
<u>INTERESTED PARTIES:</u>	BROTHERS R/LEAGUE F/BALL CLUB INC BROTHERS LEAGUES CLUB (CAIRNS) LTD NORTHPOINT ADVISORY RUBICON DESIGN + CONSTRUCT WBP ARCHITECTS
	<i>Note: The identification of interested parties is provided on a best endeavours basis by Council Officers and may not be exhaustive.</i>
<u>LOCATION OF SITE:</u>	99-107 ANDERSON STREET, MANUNDA
<u>PROPERTY:</u>	LOT 23 SP252356
<u>ZONE:</u>	MIXED USE ZONE PRECINCT 2 - TRADES AND SERVICES
<u>LOCAL PLAN:</u>	NONE
<u>APPLICATION DATE:</u>	12 DECEMBER 2022
<u>DIVISION:</u>	7
<u>APPENDIX:</u>	<ol style="list-style-type: none"> 1. PROPOSED PLANS OF DEVELOPMENT 2. THIRD PARTY ADVICE - DEPARTMENT OF TRANSPORT AND MAIN ROADS

LOCALITY PLAN



RECOMMENDATION

That Council refuses the application for an Advertising Device (Digital Sign and Wall Sign) over land described as Lot 23 SP252356, located at 99-107 Anderson Street, Manunda for the following reasons:

1. The advertising device does not comply with the Department of Transport and Main Roads Roadside Advertising Manual.
 2. The advertising device is considered to confuse or distract pedestrians, motorists and cyclists in proximity to the Anderson Street and English Street intersections which is a high volume traffic environment.
 3. The advertising device has a negative impact on a Local Government controlled road (English Street).
 4. The location of the advertising device is considered to endanger the health and safety of persons by impacting a person's view of the traffic environment and detracting from traffic control devices.
 5. The area of the advertising device is more than double the maximum area stated for a Digital device within Local Law No. 4.
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EXECUTIVE SUMMARY

Council is in receipt of a retrospective application for a Local Law permit to display an Advertising Device (Digital Wall Sign) over land located at 99-107 Anderson Street, Manunda, formally described as Lot 23 on SP252356. Specifically, the proposal is to lawfully operate the existing digital wall sign. The application is the result of discussions with the land owners after the Digital Wall Sign was erected and made operational without a permit.

The site is located within the Mixed Use Zone - Precinct 2 - Trades and Services. The site is currently improved by a Club and has a recent Material Change of Use approval for Alterations/Additions (Council Reference: 8/8/1593). The Material Change of Use identified an intent to establish the Advertising Device, however did not allow for the lawful establishment of the Advertising Device – this was noted in the conditions of approval.

The proposal seeks to lawfully operate one (1) LED screen measuring 2.25 metres high and 2.9 metres wide. The screen has a total area of approximately 6.5m² and would be located at the corner of the front façade that faces the intersection of English Street and Anderson Street. The Advertising Device would advertise materials associated with the on-site land-use. The Advertising Device is attached to the wall cladding. The eastern boundary, viewed from northbound traffic, is digitised with changing and flashing images and words.

The Advertising Device requires a permit in accordance with Part 2 of the Local Law No.4 (Advertising Devices) 2019.

The proposed Advertising Device has been assessed in accordance with the provisions of the Local Law No. 1 (Administration) 2016 & Local Law No. 4 (Advertising Devices No.4) 2019. The areas of non-compliance with the prescribed assessment criteria within the Local Law consist of:

- integration of the sign with the existing architectural features of the building;
- attachment of the sign onto a non-blank surface of the building;
- location in a place that would compete with traffic control devices and road users attention;
- would have a maximum advertising area greater than 3m²; and,
- being located within the Restriction, Distraction and Restriction Notice area.

A copy of the proposed plans is available as Appendix 1.

The proposed advertising device has been assessed in accordance with the provisions of the Local Law No. 1 (Administration) 2016 & Local Law No. 4 (Advertising Devices No. 4) 2019. Officers consider the proposed advertising device does not comply with the purpose and relevant criteria of the applicable requirements. Based on this assessment the application for a Local Law Permit is recommended for refusal.

CONSIDERATIONS

Proposal

Description	Proposal
Dimensions	2.9m (W) x 2.25m (H).
Calculation of advertising area (m ²)	Approximately 6.5m ²
Location / Setbacks	Attached to building fronting Anderson Street and English Street.
Orientation	Facing north bound pedestrian and vehicular traffic along Anderson Street & east bound pedestrian and vehicular traffic along English Street.
Illumination	Digital LED (internal).
On / Off-site Advertising	On-site advertising.
Dwell Time	Not provided.
Brightness	Not provided.

Site History

Consent for a 'Licensed Club' at 99-101 Anderson Street and 179-183 English Street was approved on 26 November 1974 (Council Reference: T1/1321 #2691715). Later, a consent for a 'Clubhouse' was approved on 11 April 1980 (Council Reference: 6/13/6.20 (1974) #2697091).

Several extensions to the clubhouse were subsequently issued. On 6 November 1992 an extension of the site to increase the size and capacity of operations was approved (Council Reference: 3715/92 #2706128). Further extensions were approved on 11 December 2012 (Council Reference: 8/8/1250 #3818141) and 15 October 2021 (Council Reference: 8/8/1593 #6767965).

Description of site

Land Use	Licensed Clubhouse.
Road Frontage:	Anderson Street (State Controlled) and English Streets.
Immediate surrounding Land Uses	Varied commercial uses.
Site Area	11,460m ² .

Land Use	Licensed Clubhouse.
Road Frontage:	96.7m to Anderson Street and 99.5m to English Street.
Surrounding Land Uses	Predominantly mix of Commercial uses.
Planning Scheme – The CairnsPlan 2016 v3.1	
Zone	Mixed Use Precinct 2 – Trades and Services
Local Plan	Not Applicable
Overlays	<ul style="list-style-type: none"> • Acid sulfate soils; • Airport environs; • Bushfire hazard; • Flood and Inundation Hazard; and • Transport Network.

Materials Assessed in the Application

The applicant provided the following materials during the assessment process:

- Report prepared by Northpoint Advisory; and
- Plans prepared by WBP Architects & interior design and Rubicon Design + Construct.

These materials have been considered in the assessment of the application.

LOCAL LAW NO. 4 (ADVERTISING DEVICES) 2019

Local Law No. 4 (Advertising Devices) 2019 is used to regulate all Advertising Devices within the Cairns local government area, with its purpose being to regulate Advertising Devices in a manner that:

- a. provides for the functional advertising requirements of business; and
- b. maintains the health and safety of people; and
- c. protects or enhances the visual character and amenity of the site, surrounding area and the region; and
- d. does not result in visual clutter or the proliferation of advertising devices; and
- e. mitigates impacts of single advertising devices and the cumulative impacts of multiple advertising devices.

The Local Law contains a wide range of assessment criteria used to determine if a particular Advertising Device is a prohibited device, a permitted device or a device that may be established without a permit.

In this case, the proposed Digital Wall Sign is not a prohibited device under Part 3 and does not comply with the criteria for a device that does not require a permit under Part 4. A permit is therefore required to be obtained in order for the device to operate lawfully.

As a permit is required, the advertising device must be assessed against the applicable criteria of the following Parts of the Local Law being:

- Part 2 – Prescribed activity:
 - Section 9 – Additional criteria for all advertising devices
 - Section 10 – Additional criteria for specific types of advertising devices
- Part 4 - Advertising devices not requiring a permit.

Part 2, Section 9 – Additional criteria for all advertising devices

Requirements	Compliance	Assessment
Lawful Land Use	✓	The proposed signage is directly associated with the lawfully established use of the site.
Operational Aspects	✓	<p>The operation of the advertising device with respect to luminance output (including differing output during daytime and night time hours), pixel pitch, and dwell time can be conditioned.</p> <p>As the device is located within the Mixed Use Zone Precinct 2 Trades and Services, Officers consider it appropriate that hours of operation are unrestricted, that is, the device may operate 24 hours a day/7 days per week.</p>
Visibility (Proximity to State Controlled Road)	Non-compliant with assessment criteria.	<p>The site has direct frontage to and is visible from a State-controlled road (Anderson Street). The application was referred to the Department of Transport and Main Roads who provided comments raising concern regarding the moving/flashing/rotating/changing of the image/message being displayed. Digital Wall signs of this nature are not supported within the Restriction Notice Area due to the safety issues they raise with road users.</p> <p>In this scenario, Anderson Street is central to the road network and the Digital Wall sign raises significant concerns regarding distracting road network users. The location near a signalised intersection increases concerns as it increases vehicle users potential distractions from the road network and ancillary devices (i.e. traffic lights).</p> <p>The sign is not considered acceptable due to the above reasons.</p> <p>Further discussion in respect of relevant State matters is provided later in this report.</p>
Impacts on Operation of Cairns Airport	✓	The subject site is located within the Airport Environs Overlay and within the Lighting Area Buffer. Taking into consideration the location and size of the sign, it is considered that the device will not result in an impact upon the operations of the airport and third party referral to the Airport was not required.

Character and Amenity / Relationship to the Built Form / Visual Impact	Non-compliant with assessment criteria	<p>Whilst the sign has an advertising area greater than 3m², it is considered appropriate for the scale of the building and street corner. The sign is appropriately integrated into the built form and does not result in an overbearing presence on the streetscape.</p> <p>The device is located on the façade cladded wall of the raised portion of the building at the corner of the frontage. It is located above the awning. Due to the overall height of the building tower and the size of the signs in relation to the existing built forms building the sign does not overbear and detract from existing architectural features of the site.</p>
Safety	Non-compliant with assessment criteria	<p>The signs do not achieve the locational design requirements as it is located within a Restriction, Distraction and Restriction Notice area of Anderson Street and English Street intersection. The application was referred to the Department of Transport and Main Roads to review potential impacts and provide comment.</p> <p>The impact on the intersection has been considered and determined that the safety risks are too high. If the sign were to remain static then the risks would be lessened, however in its current form the sign greatly risks distracting road users from road network activity.</p> <p>Given the potential for distraction and associated safety risks the sign proposes, it is not appropriate to approve the sign.</p>
Advertising Content	✓	Advertising content is proposed to comprise on-site advertising only; no off-site advertising is proposed.

Part 2, Section 10, Table 1 – Additional Criteria for specific type of advertising device

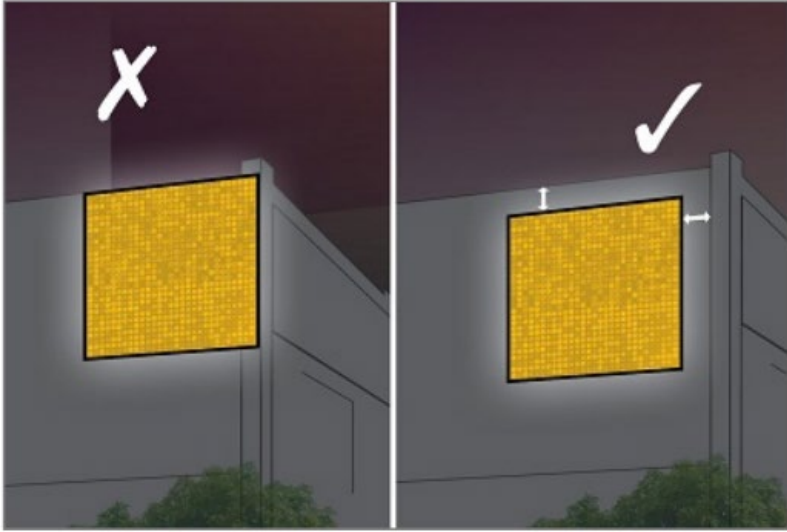
The proposed Advertising Device has been assessed against the relevant provisions of Part 2 Section 10, Table 1, insofar as it relates to the Digital element of the device. Table 1 does not contain additional criteria for Wall Signs. For a Digital Sign, Table 1 contains requirements for both on-site and off-site advertising. In this instance, as no off-site advertising is proposed, the assessment criteria of this part of Table 1 have not been addressed.

The following table provides Officers assessment of the Digital sign against the applicable criteria.

Part 2, Section 10, Table 1 – Additional Criteria for specific type of advertising devices – Digital Sign for onsite advertising	
Criteria	Assessment
11. The Digital sign is for on-site advertising and:	
(a) is located within one of the following zones within the planning scheme: (i) a Centre zone; or (ii) an Industry zone; or (iii) Community facilities zone; or (iv) Mixed use zone precinct 1 – Commercial; or (v) Mixed use zone precinct 2 – Trades and services; or (vi) Specialised centre zone; or (vii) Sport and recreation zone; or (viii) Tourist accommodation zone; and	Complies. The subject site is located within the Mixed Use Zone – Precinct 2 Trades & Services.
(b) is not located within 50 metres of a sensitive land use or a zone primarily for a sensitive land use; and	Complies. The device is not located within 50m of a sensitive land use or a zone primarily used for that purpose.
(c) is not located on a site with the following types of advertising devices: (i) Billboard sign; and (ii) Themed sign; and	Non-compliant. The site contains a large illuminated Themed sign on the western façade of the building.
(d) is also one of the following types of advertising devices and complies with the relevant requirements contained within Part 2 and Part 4: (i) Awning fascia sign; or (ii) Pylon sign; or (iii) Under awning sign; or (iv) Wall sign; or (v) Window sign; and	Complies. The Digital device is also a Wall sign.

Part 2, Section 10, Table 1 – Additional Criteria for specific type of advertising devices – Digital Sign for onsite advertising	
Criteria	Assessment
(e) is not located within a Restriction, Distraction and Restriction Notice Area identified within the Department of Transport and Main Roads Roadside Advertising manual; and	<p>Non-compliant.</p> <p>As noted above, the sign is located within a Restriction, Distraction and Restriction Notice area as per the DTMR Roadside Advertising Manual.</p> <p>The impact on the intersection has been considered and determined that it would present a significant safety issue due to the high level of visibility and risk of driver distraction. In its current form the Advertising Device is unable to be supported due to the major safety concerns it raises with road network users. These concerns stem from the image on the advertising device moving/changing at time intervals.</p>
(f) is located where it will not compete with traffic control devices for a road user's attention; and	<p>Non-compliant.</p> <p>The location of the device is highly visible from the intersection of Anderson Street and English Street. As west-bound road users approach the intersection, the sign will directly compete with, and be in the line of sight of the existing traffic signals. Photographs of this conflict are provided later in this report.</p> <p>Recent traffic counts undertaken by DTMR on Anderson St indicate that it carries in excess of 10,000 vehicles per day in each direction. This figure is based on the Traffic Analysis and Reporting System – Average Annual Daily Traffic (AADT) Segment Report for Site 111568 which is approximately 550m east along Anderson St from the subject site.</p>
(g) it is not located within a local government controlled area or road unless the Digital sign is also an Awning fascia sign or an Under awning sign; and	<p>Complies.</p> <p>The device is not within a local government controlled area or within the road reservation.</p>
(h) is only a freestanding sign where it is located on a Pylon sign; and	<p>Complies.</p> <p>The device is not freestanding, rather it is combined with a Wall sign and mounted on the building façade, above the awning.</p>
(i) where it is located on a freestanding sign it has not more than two (2) faces that are arranged back to back; and	<p>Not Applicable.</p> <p>The device is not located on a freestanding sign.</p>

Part 2, Section 10, Table 1 – Additional Criteria for specific type of advertising devices – Digital Sign for onsite advertising	
Criteria	Assessment
(j) where it is located on a building with a street front awning, the Digital sign is not located above the height of the awning; and	Non-compliant. The device is located on a building with a street front awning and is located above the height of the awning. Photographs showing the location of the device are provided later in this report.
(k) where it is attached to a building it is not located at a height greater than 11.5 metres; and	Complies. The top of the sign is not located more than 11.5m above ground level.
(l) there is only one Digital sign per site or where the site has two or more street frontages, there is only one Digital sign per street frontage of the site up to a maximum of 2 Digital signs; and	Complies. Only 1 Digital device is proposed for the site.
(m) has a maximum advertising area of 3m ² ; and	Non-compliant. The dimensions of the sign are 2.25m wide x 2.9m high, providing a total advertising area of 6.525m ² . This advertising area is more than double the stated criteria for this type of device.
(n) it will not be of a size and design that will be excessively prominent and will be consistent with the expected character and amenity of the site and surrounding area; and <input type="checkbox"/>	Partial compliance. Whilst the design and location of the sign has attempted to integrate it into the built form of the development, the sign is not recessed into the façade and protrudes outwards from the face. The sign is of a significant scale and is prominent when road users are approaching the signalised intersection of Anderson Street and English Street in a west-bound direction. Officers acknowledge that the locality is generally void of sensitive land uses and such a sign could be expected to occur.
(o) if it is attached to a building: (i) it is located on an existing flat surface; and (ii) it is framed by the building on all sides of the device as per Figure 1 below; and (iii) it does not dominate the built form, streetscape or surrounding area; and (iv) it does not conceal any architectural features of the building; and (v) it does not project beyond the outline of the building or structure; and (vi) it must have an appropriate relationship to the building; and (vii) the built form must remain the dominant feature; and (viii) the building cannot be modified to accommodate the advertising device; and	Partial Compliance. The sign is located on the external corner façade of the building which is curved to orientate towards the intersection. The sign is framed by the façade, though it protrudes outwards from the surface rather than being recessed into and integrated into the façade. In the context of the entire building, the sign does not dominate the streetscape, however it is of a significant size for the area and is easily visible from external vantage points.

Part 2, Section 10, Table 1 – Additional Criteria for specific type of advertising devices – Digital Sign for onsite advertising	
Criteria	Assessment
 <p>Figure 1 – Framed by the building</p>	
<p>(p) if the advertising device is also an Under awning sign, it does not suspend lower than 1.5m from the underside of the awning; and</p>	<p>Not applicable.</p> <p>The device is not an under awning sign.</p>
<p>(q) it is switched off from 10:00pm to 6:00am, unless it is located within one of the following zones within the planning scheme:</p> <ul style="list-style-type: none"> (i) Principal centre zone; or (ii) Medium impact industry zone; or (iii) High impact industry zone; or (iv) Waterfront and marine industry zone; and 	<p>Can be conditioned to comply.</p> <p>The application material suggests that the operation of the device will be <i>commensurate with approved operating hours of the club, or as approved / conditioned.</i></p> <p>The site is not located within one of the identified zone; Officers therefore consider it appropriate that the sign does not operate outside of the identified hours of 6:00am to 10:00pm.</p>

(r) where within 100m of a sensitive land use or a zone primarily for a sensitive land use, it does not project illuminance in the direction of the sensitive land use or zone primarily for a sensitive land use; and	Complies. The site is not located within 100m of a sensitive land use or a zone primarily used for that purpose.
(s) results in the consolidation and removal of existing signs on the site to ensure that the new advertising device does not result in visual clutter and / or a proliferation of advertising devices; and	Complies. The previous pylon sign on the corner of the site was removed as part of the recent development of the land. The new device is considered to be a replacement for the previous pylon sign.
(t) results in any existing advertising devices on the site being brought up to standard to comply with the requirements in Table 2 within Part 4; and	Non-compliant. The application material makes no reference to any alterations to existing advertising signage on the land being made to comply with the requirements of Table 2 within Part 4 of Local Law No. 4. On initial review, Officers note in respect of the existing Pylon Sign on the Anderson Street frontage, that Table 2 specifies that a Pylon Sign is not located on a site that also contains a Digital sign or a Themed sign. The site contains an existing Themed sign and the current application is for a Digital sign.
(u) is made available for community information in the event of a declaration of an impending weather event or similar.	Can be conditioned to comply. The application material does not state if the device will be made available for community information. A condition could be imposed on a permit requiring this to be made available.

Part 4, Section 15, Table 2 – Requirements for advertising devices without a permit

The proposed Advertising Device has been assessed against the relevant provisions of Part 4 Section 15, Table 2, insofar as it relates to the Wall sign element of the device. Table 2 does not contain criteria for Digital signs as there are no instances where a Digital sign may be established without a permit being in place.

The following table provides Officers assessment of the Wall sign against the applicable criteria:

Part 4, Section 15, Table 2 – Additional Criteria for specific type of advertising devices – Wall Sign	
Criteria	Assessment
(37) The Wall sign:	
(a) is located within one of the following zones within the planning scheme: (i) a Centre zone; or (ii) an Industry zone; or (iii) Community facilities zone; or (iv) Mixed use zone; or (v) Specialised centre zone; or (vi) Sport and recreation zone; or (vii) Tourism zone; or (viii) Tourist accommodation zone; or (ix) Township zone; and	Complies. The site is located within the Mixed Use Zone – Precinct 2 Trades and Services.
(b) is not located on a Place of significance; and	Complies. The site is not a designated Place of Significance.
(c) is not located within a Neighbourhood character area; and	Complies. The site is not located within a Neighbourhood Character overlay.
(d) is used for on-site advertising only; and	Complies. The device will only be used for on-site advertising.
(e) is not located on or over a local government area or road; and	Complies. The device is currently located entirely within the property boundary.

<p>(f) is where it is attached to a building it is not located at a height greater than 11.5 metres above ground level; and</p>	<p>Complies. The top of the device does not exceed a height of 11.5m above ground level.</p>
<p>(g) is painted on or securely affixed to an existing blank surface of a building; and</p>	<p>Non-compliant. The device is not attached to an existing blank section of the building. The device is affixed to a cladded section of the wall and cover one of the architectural arches. This would result in partial cover of the architectural feature, being cladding and arches.</p>
<p>(h) has a total maximum advertising area that is not greater than 30% of the surface area of the wall on which it is located; and</p>	<p>Complies. The area of the device, being 6.525m², is not greater than 30% of the surface area on which it is located.</p>

Part 4, Section 15, Table 2 – Additional Criteria for specific type of advertising devices – Wall Sign

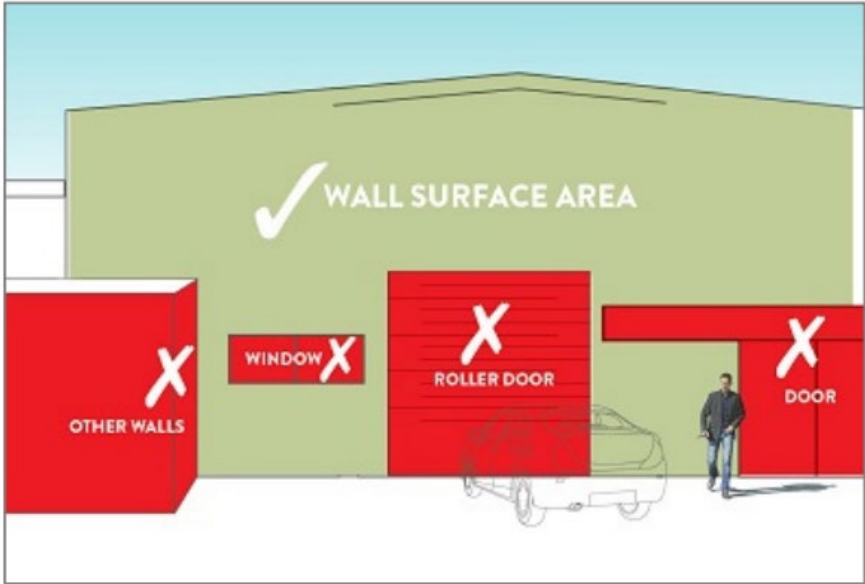
Criteria	Assessment
<p>(i) does not result in more than 30% of the surface area of the wall being covered by advertising (including existing advertising); and Note: Figure 7 below illustrates how surface area is calculated.</p>  <p>The diagram illustrates the calculation of wall surface area for advertising placement. A large green area represents the 'WALL SURFACE AREA' and is marked with a checkmark. Several red areas are marked with an 'X', indicating they are excluded from the surface area calculation: 'OTHER WALLS', a 'WINDOW', a 'ROLLER DOOR', and a 'DOOR'. A person and a car are shown in front of the building to provide a sense of scale.</p>	<p>Complies. The area of the device, being 6.525m², does not cover more than 30% of the surface area on which it is located.</p>

Figure 7 – Calculating wall surface area

- (j) is not located within 500mm of the outer edge of the wall surface or architectural feature (e.g. window, door opening, column or the like) as per Figure 8 below; and

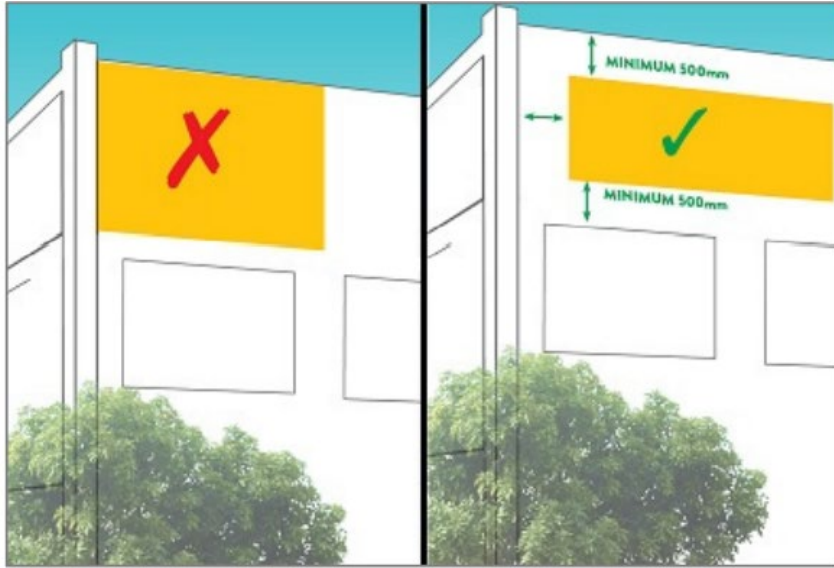
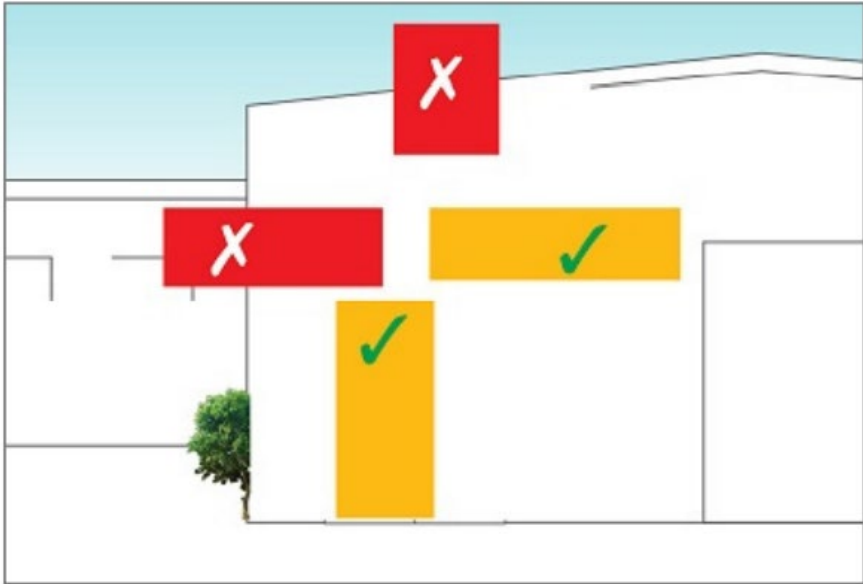


Figure 8 – Distance from outer edge of wall surfaces or architectural features

Complies.

The device appears to be located approximately 500mm from the top of the façade on which it is located.

Part 4, Section 15, Table 2 – Additional Criteria for specific type of advertising devices – Wall Sign	
Criteria	Assessment
<p>(k) does not extend beyond the outline of the wall on which it is located as per Figure 9 below; and</p>  <p>Figure 9 – Placement of Wall signs</p>	<p>Complies.</p> <p>The device does not extend beyond the façade on which it is located.</p>
<p>(l) does not conceal any windows, doors or any other architectural features of the building; and</p>	<p>Non-compliant.</p> <p>The device is affixed to the façade that has been recently constructed on the corner of the building and covers one of the architectural arches. This would result in partial cover of the architectural feature, being cladding and arches.</p>
<p>(m) does not project outward more than 200mm from the wall</p>	<p>Insufficient information has been provided with the application to determine how far the device projects outwards from the façade of the building.</p>
<p>(n) is separated from another wall sign by a minimum of 1 metre; and</p>	<p>Complies.</p> <p>There is only 1 device proposed on the façade.</p>
<p>(o) where there is more than one tenancy on the site, the Wall sign provides advertising for each tenancy or a list of tenancies on the site; and</p>	<p>Not Applicable.</p> <p>There is only 1 tenancy operating on the land.</p>

Part 4, Section 15, Table 2 – Additional Criteria for specific type of advertising devices – Wall Sign	
Criteria	Assessment
(p) is not externally illuminated; and	Complies. The device is also a Digital sign which is internally illuminated as it is an LED screen.
(q) is maintained to its installed standard at all times;	Can be conditioned to comply.
(r) is removed when the earlier of the following occurs: (i) that Wall sign is no longer required; or (ii) the Wall sign is no longer maintained to its installed standard.	Can be conditioned to comply.

STATE INTEREST – THIRD PARTY ADVICE

A request for Third Party Advice was sent to the Department of Transport and Main Roads (**DTMR**) on 13 December 2022. Advice was received on 22 December 2022 that DTMR did not support the proposed advertising device due to its location within a Restriction Notice Area of the Roadside Advertising Manual (RAM).

The RAM regulates the departments position, direction and approach to the management of roadside advertising devices within, and outside the boundaries of, but visible from state-controlled roads. The manual assists DTMR and Local Governments in assessing and evaluating proposals for roadside advertising within and outside the boundaries of State-controlled roads. The manual identifies three major issues that regulate the departments decision-making process:

- Safety and traffic efficiency issues;
- Future development issues; and,
- Environmental issues.

The device has an area of approximately 6.5m², therefore was assessed as an electronic billboard >4m². The location of the device, being on the corner of a state-controlled road and local government road, falls within the Restriction Notice Area (within 65m of the signalised intersection). Please refer to the image below for context.

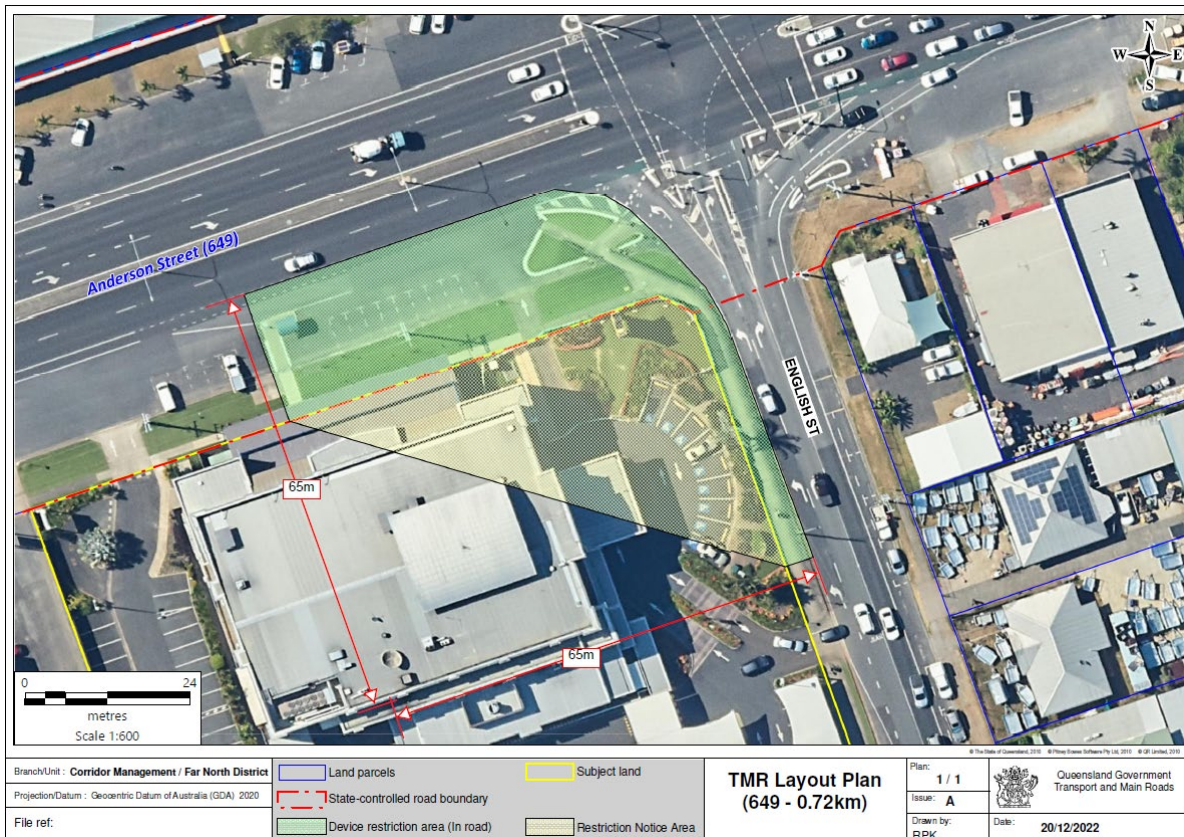
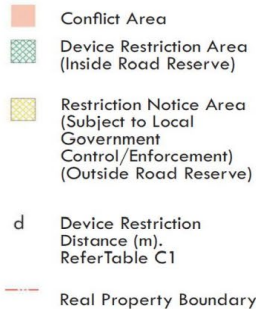
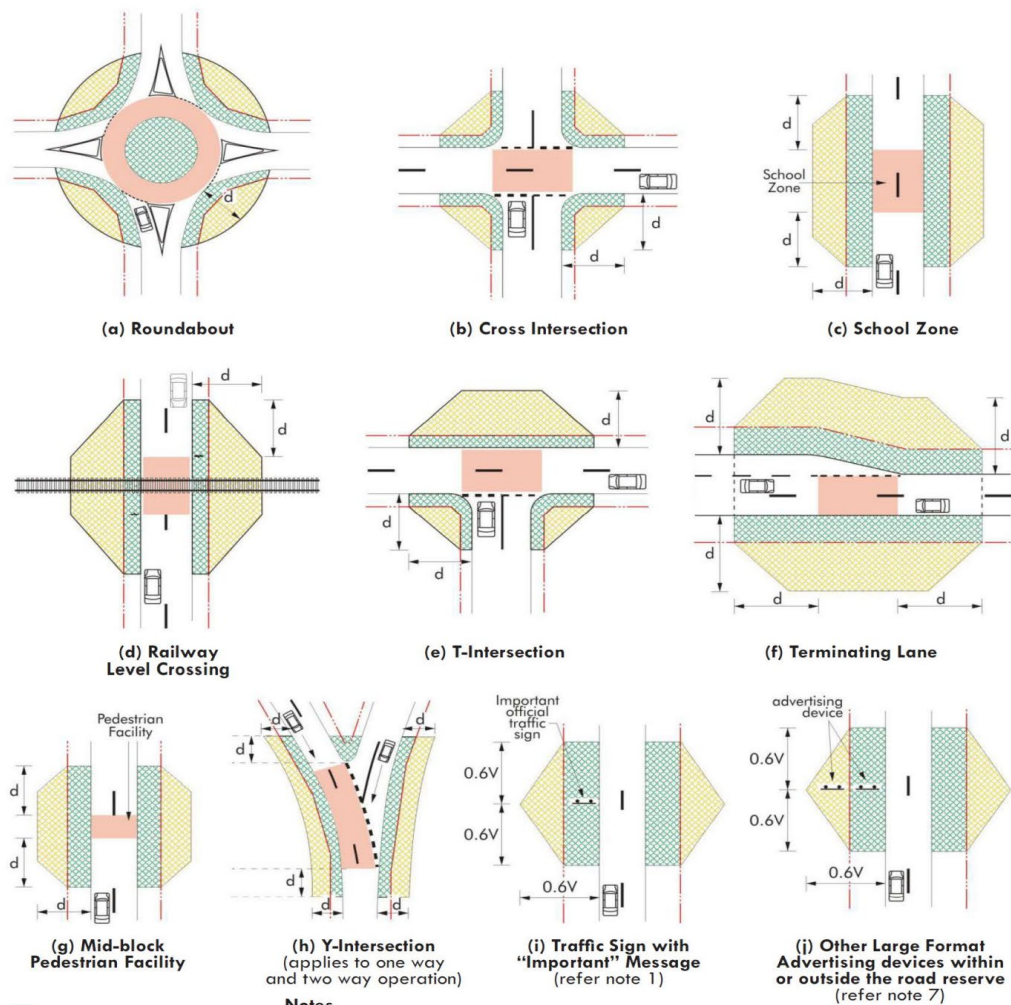


Image 1: Restriction Notice Area (Department of Transport and Main Roads)

A Restriction Notice Area is a defined area outside the road reserve where the department has determined the installation of an advertising device is not preferred due to their potential to create driver distraction and detract from traffic devices (i.e. traffic lights). The department may only provide comment on devices located within this area, however the powers of approval lay with Local Government.

Notwithstanding, under *Section 139 of the Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015*, DTMR has the power to physically remove or modify the sign if it risks creating danger to the traffic. The following image has been extracted from the RAM to provide examples of Restriction Notice Areas.

Figure C8 – Restriction areas for static electronic billboard advertising devices visible from a state-controlled road (excluding motorways or motorway standard roads)



Notes

1. "Important" official traffic signs are limited to signs that require a driver decision or response to be made. For examples of "Important" official traffic signs refer to the Definitions section in the Manual.
2. In addition to the above situations it may be necessary for Transport and Main Roads to designate restriction areas for other critical traffic situations not listed above.
3. Advertising devices are not permitted on traffic islands.
4. The distance "d" is to be measured from the intersecting linemarking, a feature or edge of traffic lane linemarking. If no edgelines then use the shoulder point as a reference.
5. For a change in speed limit sign (from i above), use the lower value of the two speed limits to determine "V".
6. Advertising devices may be located where restriction areas abut but do not overlap.
7. Multiple electronic advertising devices (that can be seen at the same time) must be separated by a minimum distance of 375 metres on high speed roads (80km/h and greater) or 250 metres on roads with a speed limit of 70km/h or 150 metres for roads with a speed limit of 60km/h or less.
8. "V" is the posted speed limit at that location.
9. The maximum value of "V" is limited to 100 km/h.

Image 2: Restriction Notice Areas

(Figure C8 of the Roadside Advertising Manual)

In accordance with the RAM, advertising devices within the Restriction Notice Area are only permitted where they do not move/rotate/change the image/message being displayed, and do not flash (but may be illuminated).

The existing advertising device changes the image/message being displayed at roughly 10 second intervals. Further, DTMR has provided advice that the location of the device is visible from a traffic situation where additional driver attention and decision making is required, therefore DTMR would not support a device showing advertising that moves/flashes/rotates/changes the image/message being displayed. In summary, the advice provided by DTMR in relation to the advertising device is unsupportive on the basis of traffic and safety efficiency issues that directly conflict with the provisions of the RAM.

Officers have conducted a site inspection and drove-by the site to consider the relationship of the device (given it has been installed unlawfully) as it relates to the existing traffic environment, including the signalised intersection. The device is clearly visible from both roads (Anderson St and English St) and, for west-bound traffic on Anderson St, is located directly behind the traffic lights, creating distraction to traffic networks and driver attention. Please refer to the images below for context.



Image 3: Advertising Device from Local Government Road (English Street)



Image 4: Advertising Device from State Controlled Road (Anderson Street)

Though DTMR does not have the statutory powers to direct Council to refuse or approve an application, in Officers view, the advice provided carries significant weight. Failure to do so results in Council inheriting complete responsibility for the advertising device and any associated impacts. Given that DTMR has identified issues with the advertising device directly associated with traffic safety, Officers consider that it would be inappropriate to disregard the advice from DTMR. Notwithstanding this comment, DTMR retains the ability to physically remove or modify the advertising device at their discretion regardless of Council's decision.

A copy of the correspondence from the DTMR is provided in **Appendix 2**.

OTHER CONSIDERATIONS

Risk Management

The report has identified traffic risks as relevant to the consideration of the Advertising Device. As part of Council's Local Laws, the Applicant may seek to have the decision reviewed and ultimately, if they remain unsatisfied with a review decision, take the matter to the ombudsman for consideration.

Council Finance and the Local Economy

The development is to occur on privately owned land and all costs are the responsibility of the developer.

Community and Cultural Heritage

Council undertook a significant consultation and preparation process in development Local Law No. 4 (Advertising Devices). The expectations of the community for Advertising Devices throughout the local government area are expressed through the Local Law. Council's decision making about Advertising Devices is informed through the established assessment criteria.

Natural Environment

The Advertising Device would operate in an environment that is already subject to night-time lighting. The Advertising Device is unlikely to have a significant impact on the natural environment.

ATTACHMENTS

1. Proposed Plans of Development
2. Third Party Advice



Hannah Dayes
Technical Officer
Action Officer

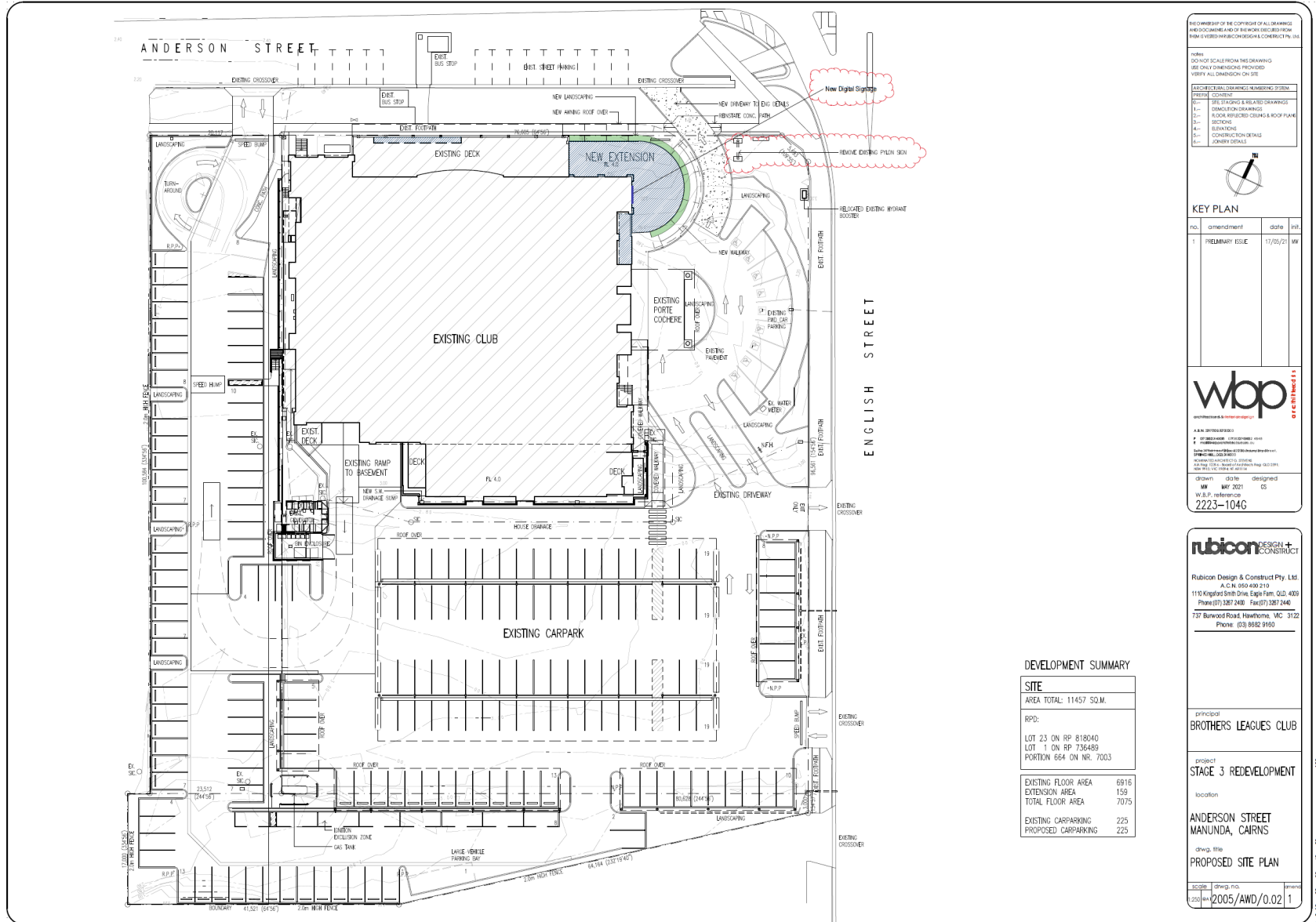


Claire Simmons
Executive Manager Development & Planning



Ed Johnson
Director, Planning Growth & Sustainability

APPENDIX 1: PROPOSED PLANS OF DEVELOPMENT



PROFESSIONAL DESIGNERS
 AND REGISTERED ARCHITECTS
 FROM A REGISTERED PROFESSIONAL ORGANIZATION
 HAVE VERIFIED THIS DRAWING IN ACCORDANCE WITH THE
 PROFESSIONAL DESIGNERS AND REGISTERED ARCHITECTS ACT 2015

Notes:
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ARCHITECTURAL DRAWING NUMBERING SYSTEM	
00-	GENERAL NOTES
01-	PRELIMINARY DRAWINGS
02-	CONSTRUCTION DRAWINGS
03-	CONSTRUCTION DETAILS
04-	CONSTRUCTION DETAILS
05-	CONSTRUCTION DETAILS
06-	CONSTRUCTION DETAILS



KEY PLAN

no.	amendment	date	int.
1	PRELIMINARY ISSUE	17/05/21	MM

wbp
 ARCHITECTS & ENGINEERS

11/15 King Street, Manunda, QLD 4009
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drawn: MM date: MAY 2021
 W & P. reference: 2223-104G

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 11/15 King Street, Manunda, QLD 4009
 Phone: (07) 387 2400 Fax: (07) 387 2440
 737 Bunwood Road, Hawthorne, VIC 3122
 Phone: (03) 8882 9160

DEVELOPMENT SUMMARY

SITE	
AREA TOTAL	11457 SQ.M.
RPD:	
LOT 23 ON RP 818040	
LOT 1 ON RP 736489	
PORTION 664 ON NR. 7003	
EXISTING FLOOR AREA	6916
EXTENSION AREA	159
TOTAL FLOOR AREA	7075
EXISTING CARPARKING	225
PROPOSED CARPARKING	225

principal
BROTHERS LEAGUES CLUB

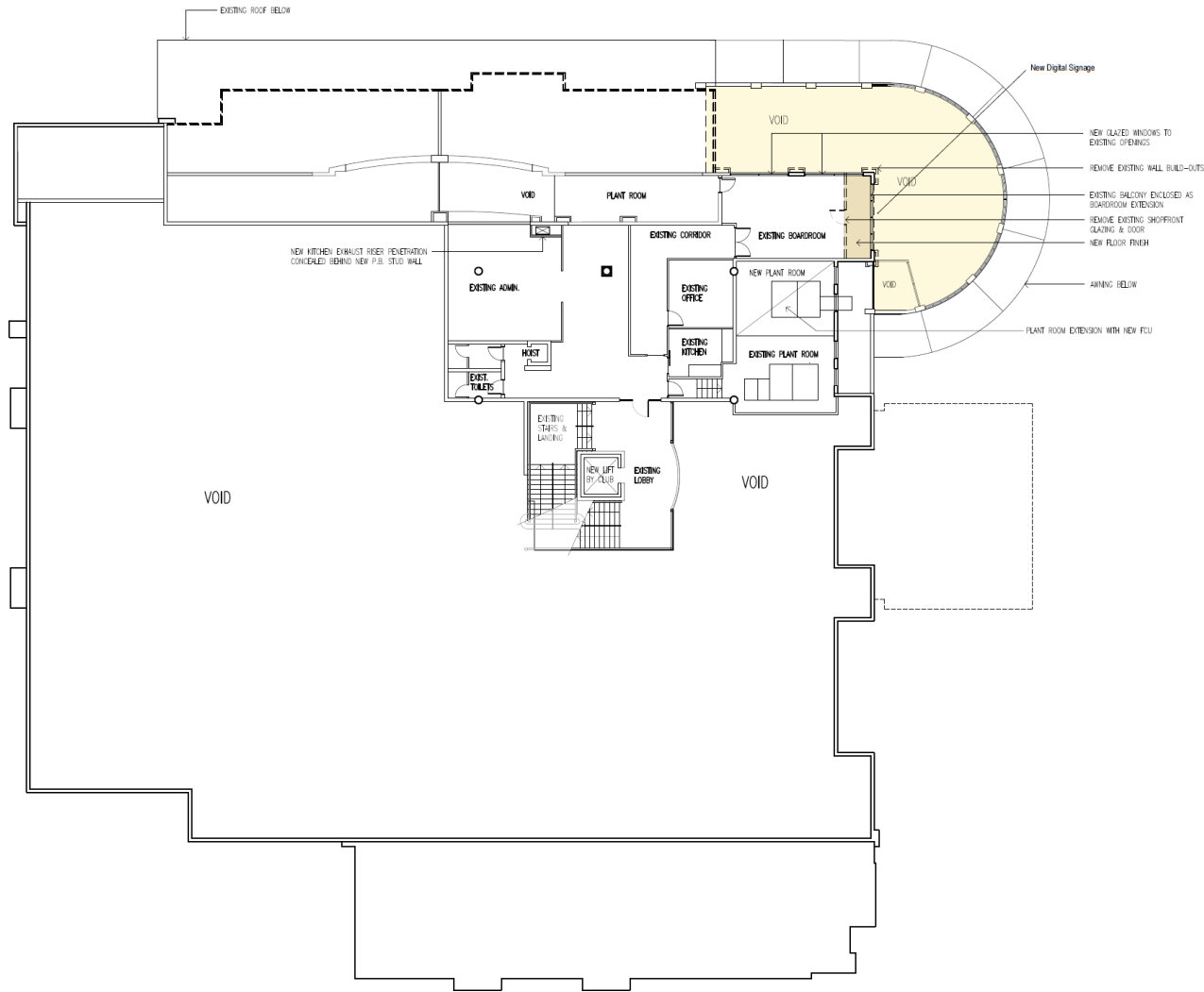
project
STAGE 3 REDEVELOPMENT

location
**ANDERSON STREET
 MANUNDA, CAIRNS**

dwg. title
PROPOSED SITE PLAN

scale: 1:250
 dwg. no: 2005/AWD/0.02.1

DRAWN SCALE



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ARCHITECTURAL DRAWING NUMBERING SYSTEM

NO.	CONTENTS
00-	FILE STAMPING & RELATED DRAWINGS
1-	DEMOLITION DRAWINGS
2-	FLOOR RISE/DECK CEILING & ROOF PLANS
3-	SECTIONS
4-	DETAILS
5-	CONSTRUCTION DETAILS
6-	JOINERY DETAILS



KEY PLAN

NO.	AMENDMENT	DATE	INIT.
1	PRELIMINARY ISSUE	14/05/21	EA

wlop
architects

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E: info@wloparchitects.com.au

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STUDIO TEL: 02 950 4000
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A/N 94 738 473 003

drawn	date	designed
MM	MM	GS

W.O.P. REFERENCE:
2223-104G

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737 Burwood Road, Hawthorne, VIC 3122
Phone: (05) 8682 9100

principal
BROTHERS LEAGUES CLUB

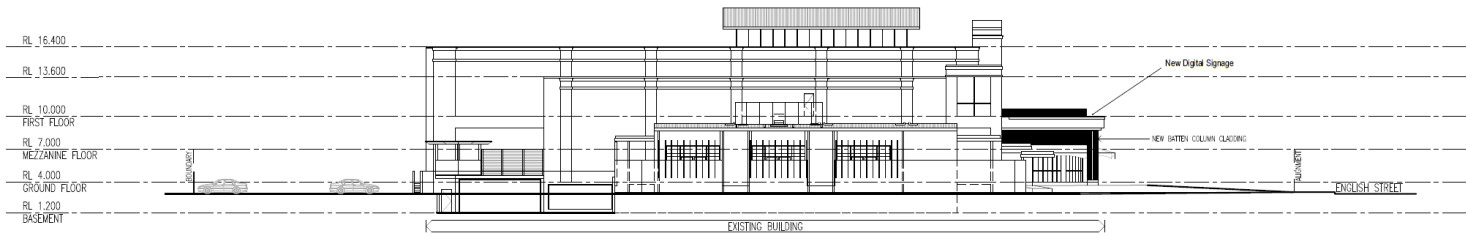
project
STAGE 3 REDEVELOPMENT

location
**ANDERSON STREET
MANUNDA, CAIRNS**

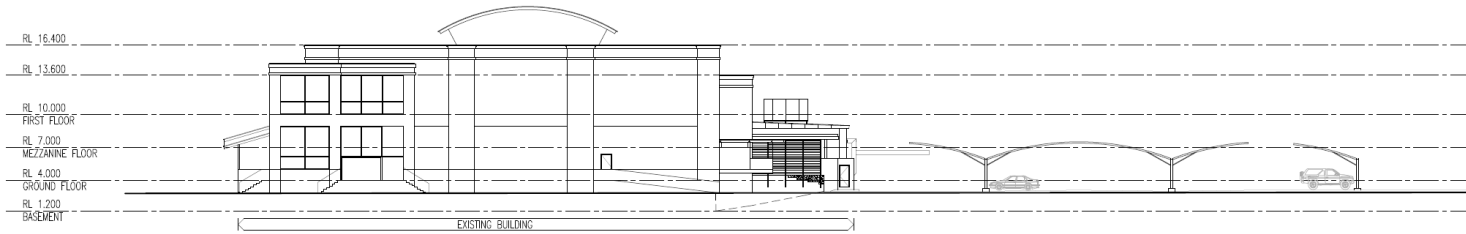
dwg. title
**PROPOSED MEZZANINE
FLOOR PLAN**

DATE	DRWG. NO.	ISSUED
14/05/21	2005/AWD/2.07	1

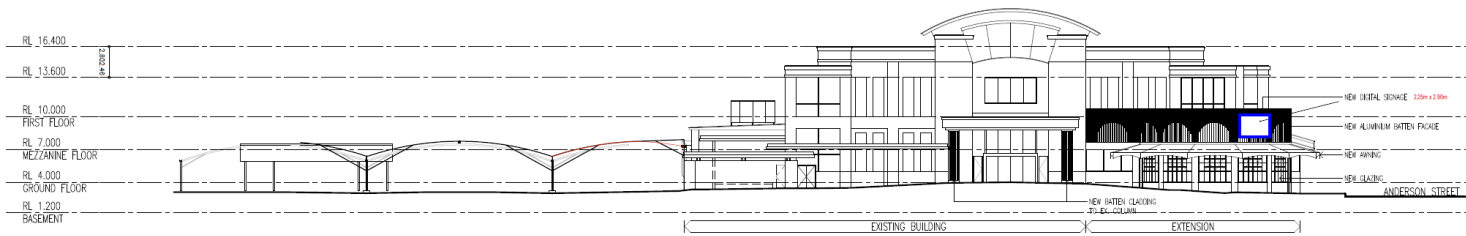




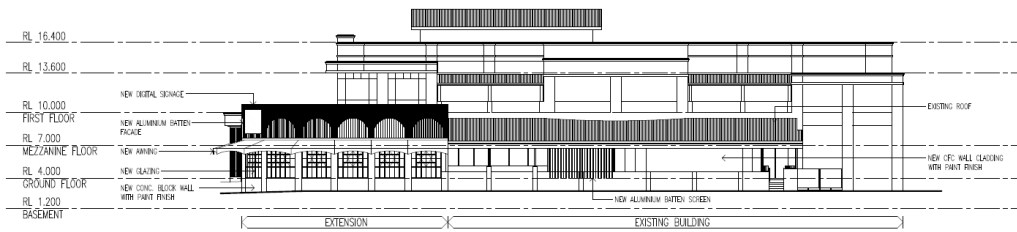
SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION - ENGLISH ST.



NORTH ELEVATION - ANDERSON ST.

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Scale
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ARCHITECTURAL DRAWING NUMBERING SYSTEM	
PREPARED	
CONCRETE	
1-	GENERAL DRAWING & RELATED DRAWING
2-	FOUNDATION DRAWING
3-	FLOOR, RELEVANT CEILING & ROOF PLAN
4-	SECTIONS
5-	ELEVATIONS
6-	CONSTRUCTION DETAILS
7-	JOINERY DETAILS



KEY PLAN

no.	amendment	date	init.
1	PRELIMINARY ISSUE	17/05/21	EA



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Sydney NSW 2009
BRANDS: F&F, G&P, G&S
DESIGN: F&F, G&P, G&S
A.S. Reg. 1214 - State of New South Wales
www.wbparchitects.com.au

drawn date designed
MW MAY 2021 GS
V.I.S.P. reference
2223-104G



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757 Burnwood Road, Hawthorne, VIC 3122
Phone (03) 8882 9180

principal
BROTHERS LEAGUES CLUB

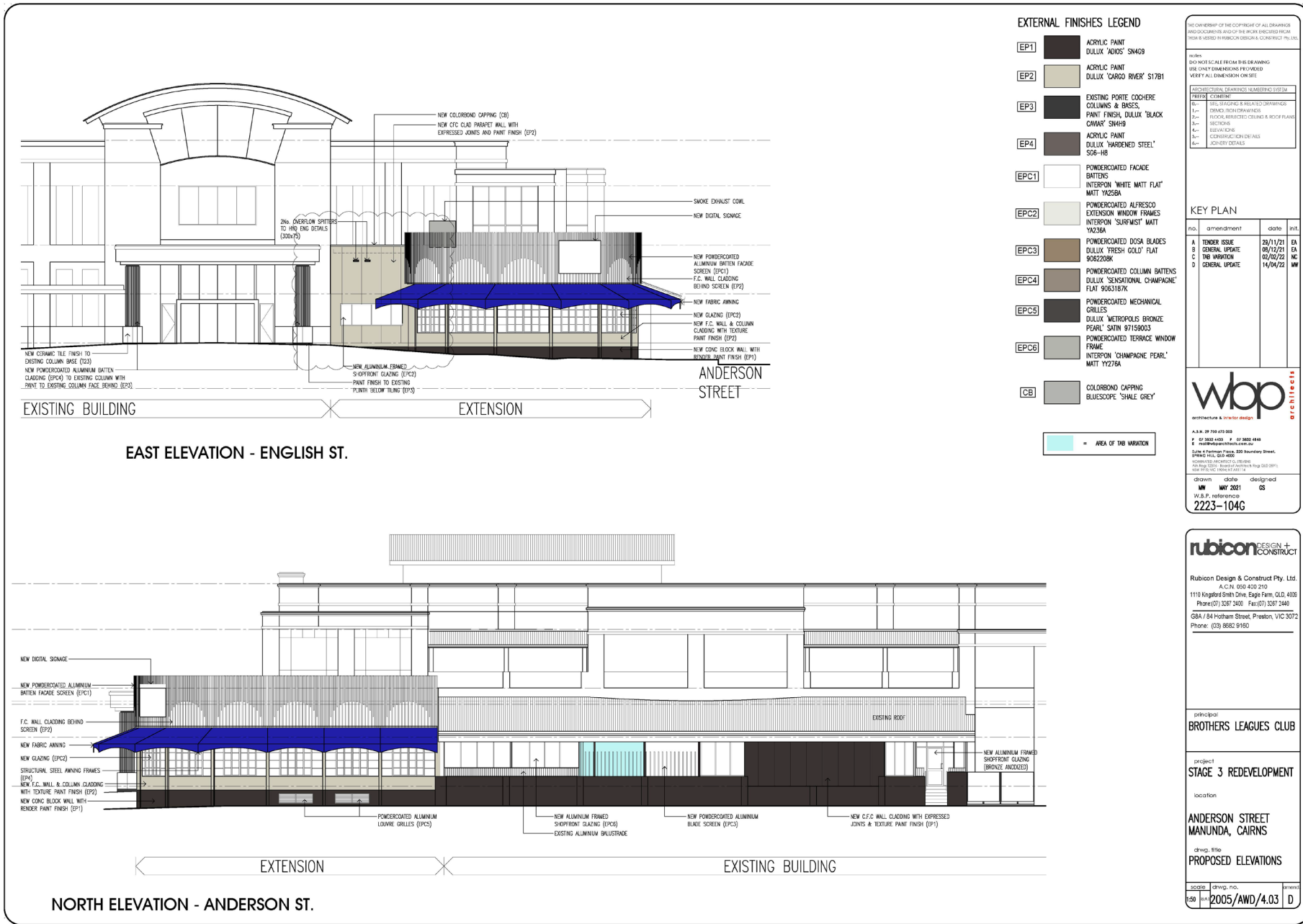
project
STAGE 3 REDEVELOPMENT

location
ANDERSON STREET
MANUNDA, CAIRNS

dwg. title
PROPOSED ELEVATIONS

scale dwg. no. revision
1:200 2005/AWD/4.02 1

DRAWING SCALE



EXTERNAL FINISHES LEGEND

- EP1 ACRYLIC PAINT
DULUX 'ADIOS' S1469
 - EP2 ACRYLIC PAINT
DULUX 'CARGO RIVER' S1781
 - EP3 EXISTING PORTE COCHERE
COLUMNS & BASES;
PAINT FINISH, DULUX 'BLACK
CAVAT' S1419
 - EP4 ACRYLIC PAINT
DULUX 'HARDENED STEEL'
S06-118
 - EPC1 POWDERCOATED FACADE
BATTENS
INTERPON 'WHITE MATT FLAT'
MATT Y4258A
 - EPC2 POWDERCOATED ALFRESCO
EXTENSION WINDOW FRAMES
INTERPON 'SURFIMIST' MATT
Y4258A
 - EPC3 POWDERCOATED DISA BLADES
DULUX 'FRESH GOLD' FLAT
9062208K
 - EPC4 POWDERCOATED COLUMN BATTENS
DULUX 'SENSATIONAL CHAMPAGNE'
FLAT 9063167K
 - EPC5 POWDERCOATED MECHANICAL
GRILLES
DULUX 'METROPOLIS BRONZE
PEARL' SATIN 97159003
 - EPC6 POWDERCOATED TERRACE WINDOW
FRAME
INTERPON 'CHAMPAGNE PEARL'
MATT Y2275A
 - CB1 COLORBOND CAPPING
BLUESCOPE 'SHALE GREY'
- = AREA OF TAB VARIATION

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ARCHITECTURAL GRAPHICS NUMBERING SYSTEM	
PREFIX	CONTENT
10-	FIELD STOPPING & RELATED DRAWINGS
1-	FRANCE BORN DRAWINGS
2-	BLOCK RESERVED COLORS & ROOF PLANS
3-	SECTIONS
4-	ELEVATIONS
5-	CONSTRUCTION DETAILS
6-	SCHEMATIC DETAILS

KEY PLAN

no.	amendment	date	init.
A	TENDER ISSUE	29/11/21	EA
B	GENERAL UPDATE	08/12/21	EA
C	TAB VARIATION	02/02/22	MC
D	GENERAL UPDATE	14/04/22	MM

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REGISTERED ARCHITECTS & INTERIORS
Arch Reg No 2231, Reg No of Architects Reg 565381,
New South Wales Reg No 12114

drawn	date	designed
MM	MAY 2021	GS

W.B.P. Reference:
2223-104G

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GSA / 84 Hotham Street, Preston, VIC 3072
Phone: (03) 8682 9160

principal:
BROTHERS LEAGUES CLUB

project:
STAGE 3 REDEVELOPMENT

location:
**ANDERSON STREET
MANUNDA, CAIRNS**

dwg. file:
PROPOSED ELEVATIONS

scale	dwg. no.	revision
1:50	2005/AWD/4.03	D

DRAWN SCALE 1:50

APPENDIX 2: THIRD PARTY REFERRAL RESPONSE

From: [CAID_CM](#)
To: [Hannah Dayes](#)
Cc: [Susan M Marshall](#); [Peter J McNamara](#)
Subject: RE: Request for comment Advertising Device 99-107 Anderson Street, Manunda Lot 23 SP252356
Date: Thursday, 22 December 2022 11:02:21 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[TMR Layout Plan \(649 - 0.72km\) Issue A 20-12-2022.pdf](#)
[Page from Sign Approval Set - Dwn 2005 AWD 0.02.pdf](#)
[Page from Sign Approval Set - Dwn 2005 AWD 4.02.pdf](#)

[External Email] This email was sent from outside or a non-trusted organisation - be cautious, particularly with links and attachments.

The Department of Transport and Main Roads (TMR) understands the proposal seeks to install a single sided electronic billboard situated wholly in private land, visible from the State-controlled road (Anderson Street) near the corner of English Street in a 60km/hr zone.

TMR offers the following advice against the current TMR Roadside Advertising Manual (RAM) Edition 4 dated December 2022.

- a. The size of the proposed digital advertising device has been shown on the submitted drawings as 2.25m x 2.90m, approximately 6.5m². This assessment has therefore been undertaken as billboard >4m² (Typically Small Portrait size).
- b. In this instance the location of the proposed device falls within a Restriction Notice Area (within 65m of the signalised intersection), layout attached for reference. Only advertising devices that do not move/rotate/change the image/message being displayed, and do not flash (but may be illuminated) are permitted within the Restriction Notice Area.
- c. The proposed location of the device is visible from a traffic situation where additional driver attention and decision making is required and TMR would not support a device showing advertising that moves/flashes/rotates/changes the image/message being displayed within the Restriction Notice Area.

I trust this information is of assistance.

Ron Kaden

Technical Officer (Corridor Management) | Far North
 Program Delivery and Operations Branch | Infrastructure Management and Delivery Division
 Department of Transport and Main Roads

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 Floor 5 | 15 Lake Street | Cairns Qld 4870
 PO Box 6185 | Cairns Qld 4870
ronald.p.kaden@tmr.qld.gov.au
www.tmr.qld.gov.au

From: Hannah Dayes <h.dayes@ Cairns.qld.gov.au>
Sent: Tuesday, 13 December 2022 1:48 PM
To: CAID_CM <CAID_CM@tmr.qld.gov.au>
Cc: Ben Santagiuliana <b.santagiuliana@ Cairns.qld.gov.au>
Subject: FW: Request for comment Advertising Device 99-107 Anderson Street, Manunda Lot 23 SP252356



Branch/Unit : **Corridor Management / Far North District**
 Projection/Datum : Geocentric Datum of Australia (GDA) 2020
 File ref:

Land parcels	Subject land
State-controlled road boundary	Device restriction area (In road)
Device restriction area (In road)	Restriction Notice Area

**TMR Layout Plan
 (649 - 0.72km)**

Plan: 1 / 1		Queensland Government Transport and Main Roads
Issue: A		Date: 20/12/2022
Drawn by: RPK		

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