

ORDINARY MEETING 5 MAY 2015	6.3
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NOTICE OF MOTION – CR MELCHERT

REGULATION OF SIGNAGE

NOTICE OF MOTION

I hereby give Notice of my intention to move the following motion at Council's Ordinary Meeting to be held on 5 May 2015:-

“That Council resolves to request the Chief Executive Officer to have prepared a report for consideration by Council which details all signage in Port Douglas which Officers believe is in some way or other at variance to development approvals and or the Planning Scheme or Local Laws. And until such time as Council has had the opportunity to consider the report no further action be taken by Council Officers to issue compliance notices for pre-existing advertising signage”

BACKGROUND

As reported In Port Douglas and Mossman Gazette and by some property owners, there is a growing view in the Shire that Council Officers have commenced a “blitz” on advertising signage in Port Douglas.

In recent cases the signs affected have been pre-existing [sic] signs which have been in place for between 10 and 40 years.

In my view any such review should be holistic, equitable and take into account relevant Planning and Local Law requirements. It should also be done in a strategic way which involves consultation with all Councillors and other stakeholders, including in particular small business owners.

From my individual perspective the Shire has been very successful in encouraging commercial and accommodation property owners to densely landscape their properties. A natural outcome of this is a need for location signage to identify the business or property.

I am concerned that at time when Council is indicating it is encouraging new businesses to establish it should also be very considerate of the needs and aspirations of existing businesses.

CEO'S COMMENT:

As Councillors have been previously advised, the signage recently removed in Davidson Street was erected in breach of specific concurrence agency conditions imposed by the Department of Transport and Main Roads. Council has no authority to either permit signage on a State controlled road or waive compliance with a DTMR imposed condition without DTMR's consent. Council officers have not commenced a "blitz", but have responded to complaints made and other irregularities that have come to officers' attention. In some instances this has resulted in the signage being regularised and in other instances removed.

It is noted that the previous Douglas Shire Council commenced a Shire-wide signage audit for the purposes of a broad scale compliance program in approximately 2007 and employed at least one, possibly two, fulltime staff members for this purpose. The program was never completed.

It is not possible to accurately assess the time and financial implications of the report proposed, however there is no current budget allocation nor are there staff available in the present organisational structure to undertake this work.

There are at least several hundred properties with signage in Port Douglas that would need to be audited. This process would require the current signage to be recorded and assessed against historical planning and local laws records. These records are included in multiple electronic data bases and manual files. It is likely that the exercise of generating a report would take at least 6 months for a person dedicated solely to that task and at an estimate of \$70 per hour, the cost would well exceed \$70,000.

The cost of this signage audit in just Port Douglas would be approximately equivalent to a general rate rise of 0.5% (based on general rates levied in the 2014/2015 financial year).

Further, if such a process was undertaken it is unclear why only Port Douglas would be targeted as there are similar issues with unlawful signage in Mossman and surrounds. A true 'holistic and equitable' approach would involve the whole Shire. It is also noted that the proposed resolution does not differentiate between fixed signage and portable advertising devices (generally sandwich boards) and in current terms would extend to both.

Previous Planning Schemes encouraged landscaping on road reserves. The current Planning Scheme does not and is very much directed to development including landscaping being contained within the relevant lot. That has been the situation for almost 10 years. While landscaping outside properties may be well maintained by some owners in many instances it is not and has resulted in significant Council resources being required to maintain or remove private plantings. The recent works required to restore the state of the roundabout outside the Niramaya Resort is a case in point.

Finally the notion that officers be prevented from undertaking usual compliance action where unlawful actions are identified or suspected raises serious governance concerns, particularly, where as in the cases at hand, the activities are in breach of specific development conditions that Council has no authority to waive or change as noted previously.