

ORDINARY MEETING 22 AUGUST 2018	5
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OPERATIONAL WORKS ADVERTISING DEVICE (ILLUMINATED SIGN) –
63 ABBOTT STREET, CAIRNS CITY – DIVISION 5

K Reaston | 8/10/533 | #5839506

<u>PROPOSAL:</u>	ADVERTISING DEVICE (ILLUMINATED SIGN)
<u>LANDOWNER:</u>	63 ABBOTT STREET PTY LTD (TTE)
<u>APPLICANT:</u>	PARADISE OUTDOOR ADVERTISING C/-BNC PLANNING PO BOX 5493 TOWNSVILLE QLD 4810
<u>LOCATION OF SITE:</u>	63 ABBOTT STREET CAIRNS CITY
<u>PROPERTY:</u>	LOT 2 ON RP701116
<u>ZONE:</u>	PRINCIPAL CENTRE
<u>LOCAL PLAN:</u>	CAIRNS CITY CENTRE LOCAL PLAN
<u>PLANNING SCHEME:</u>	CAIRNSPLAN 2016 V1.0
<u>REFERRAL AGENCIES:</u>	N/A
<u>NUMBER OF SUBMITTERS:</u>	N/A
<u>STATUTORY ASSESSMENT DEADLINE:</u>	22 AUGUST 2018
<u>APPLICATION DATE:</u>	17 MARCH 2017
<u>DIVISION:</u>	5
<u>APPENDIX:</u>	<ol style="list-style-type: none"> 1. APPROVED PLAN(S) & DOCUMENT(S) 2. SITE PHOTOGRAPHS 3. PHOTOGRAPHS OF SURROUNDING CITY CENTRE 4. NOTICE OF COMMENCEMENT OF USE

LOCALITY PLAN



RECOMMENDATION

- A. That Council approves the development application for Operational Work (illuminated sign) located at 63 Spence Street, Cairns City over land described as Lot 2 on RP701116, subject to the following:

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Reference	Date
BSV_POA_ABBOTT_001	17/3/18

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within technical reports; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be satisfied at all times that the approved Advertising Device is erected on the site, to the satisfaction of the Chief Executive Officer, except where specified otherwise in these conditions of approval.

Advertising Device – Minimum Device Standards

3. The advertising device must have a minimum pixel pitch of 10mm.
4. The advertising device must be fitted with sensors that control the luminance output of the device. A minimum of two sensors must be installed and operational at all times.
5. The maximum luminance output of the device must not exceed the candelas per m² relative to the ambient light level identified within the table below.

Ambient light level (lux)	Maximum luminance output (candelas per m ²)
Greater than 2000 lux (e.g. daytime)	7000 cd/m ²
Between 400 – 2000 lux (e.g. dawn and dusk)	1000 cd/m ²
Less than 400 lux	400 cd/m ²

Advertising Device Content

6. At all times the content of the images / messages associated with the advertising device must comply with the Australian Association of National Advertisers Code of Ethics and must be consistent with all decisions made by the Advertising Standards Board.

Advertising Device – Operational requirements

7. Any advertisement displayed on the advertising device must not change faster than one advertisement per 90 seconds (dwell time) unless otherwise supported by the Risk and Safety assessment outlined in condition 18 and to the satisfaction of the Chief Executive Officer.
8. Each transition between advertisement must occur instantaneously with a maximum completion time of 0.1 seconds (transition time). Methods of image animation or transition such as 'fly in' or 'scroll', or any other type of message change that is not instantaneous is not permitted.

9. The screen must not go blank or display a solid colour between different advertisements.
10. Only a single advertisement may be displayed during a single dwell time. Sequential messages which require more than one screen to convey a message are not permitted. The display screen must not split or display multiple advertisements during a single dwell time.
11. All advertisements must remain static for the entire dwell time. Advertisements are not permitted to move, flash or change brightness. Scrolling or moving images or video images are not permitted.
12. In the event of malfunction or failure of the advertising device or associated sensors, the advertising device must be switched off until the matter is resolved or for the duration of the fault.

Note: malfunction includes greater than 1% of all pixels being damaged or not operational.

13. The operation of the advertising device must ensure that the illumination of the device does not cause any environmental nuisance to any nearby premises or roadways.
14. Prior to commencement, an Operational Plan must be prepared that details:
 - a. management procedures in the event of malfunction, failure or damage; and
 - b. maintenance procedures for the life of the device.

The Operational Plan must be provided to the Chief Executive Officer prior to Commencement of Use and must be to the satisfaction of the Chief Executive Officer. At all times the operation of the device must be in accordance with the management and maintenance procedures contained within the approved Operational Plan.

Advertising Device – Monitoring Requirements

15. The operation of the device, including but not limited to luminance outputs, ambient light levels and hours of operation must be monitored and a record of the data must be kept for a minimum of 3 months and must be provided to an authorised officer upon request. Monitoring must occur continuously at all times and must record data at a minimum of 1 recording per 10 minutes or at each change in illumination level, whichever is the more frequent.

Installation

16. The installation or erection of the Advertising Device is to be:

- a. Certified by a qualified person; and
- b. Securely fixed so as not to endanger public safety.

Removal of existing Advertising Devices

17. The existing advertising devices located at the subject site on the Abbott Street and Spence Street are to be removed prior to the development under this approval commencing.



Risk and safety assessment

18. A Risk and safety assessment must be prepared by a suitably qualified person, submitted to Council and endorsed by the Chief Executive Officer prior to the issue of the Development Permit for Building Work. The suitably qualified person must confirm that the design, siting and operational requirements of the advertising device do not pose a safety risk to pedestrians, motorists, cyclist or other road users.

Where necessary, the assessment may provide recommendations for the design, siting, operational requirements and maintenance to ensure that the advertising device does not pose a safety risk as above. Where recommendations are made that impose additional restrictions on the operation of the advertising device, these recommendations prevail, to the extent that they are in conflict with any conditions of this Development Permit.

Cessation of use

19. The Advertising Device, and any associated equipment or fittings, must be removed 5 years from the date of this Decision Notice.
- B. That with respect to the inconsistency between the proposal and the applicable provisions of CairnsPlan 2016 v1.0, Council provides the following grounds for approval pursuant to s335 of the *Sustainable Planning Act 2009*:
1. The development does not compromise the achievement of the Strategic Outcomes of CairnsPlan 2016 v1.0.
 2. The conditions of approval seek to address the identified conflicts with the aspects contained within CairnsPlan 2016v1.0 including adverse impacts to the streetscape, amenity and character of the city centre; and traffic and safety concerns.

FURTHER ADVICE

1. This approval, granted under the transitional provisions of the Planning Act 2016, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of section 339 and Section 341 of the Sustainable Planning Act 2009.
 2. Conditions numbered 18 and 19 are non-severable conditions.
 3. The Applicant/owner is advised that this approval does not approve the construction of the building work. A Development Permit for Building Work must be obtained in order for construction to commence.
 4. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
 5. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.
 6. For information relating to the *Planning Act 2016* log on to planning.dsdmip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable policies log on to www.cairns.qld.gov.au
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EXECUTIVE SUMMARY

Council is in receipt of a Development Application for Operational Works for the installation of an Advertising Device at 63-63C Abbott Street, Cairns City, described as Lot 2 on RP701116. The proposed Advertising Device is a 5.74 metre (h) x 3.83 metre (w) (21.98m²) illuminated (digital) device intended to be used exclusively for off-site advertising.

The proposed device will be mounted to the upper level facade of the existing building at the Abbott and Spence Street intersection. The sign is proposed to replace the existing single sided, tri-vision device at the same the location. The existing sign is approximately 6 metres (h) by 3 metres (w) with an area of 18m².

The proposed development is identified as Impact Assessable because it is an illuminated sign. As such, the application has been assessed against the entire CairnsPlan 2016 Version 1.0 (CairnsPlan 2016).

In consideration of the proposed development and the assessment against the relevant matters provided by Sections 313 and 314 of the *Sustainable Planning Act (2009)*, it is considered that the application is in conflict with relevant matters contained within CairnsPlan 2016. The points of conflict include adverse impacts to the streetscape, amenity and character of the city centre; and traffic and safety concerns.

The application was publicly notified in accordance with the provisions of the *Sustainable Planning Act 2009* and no submissions were received during this time.

Although Council's current planning scheme does not support illuminated signs that consist of video, LCD, LED, plasma or similar screens, it is recommended that the development application be approved subject to the reasonable and relevant conditions that have been imposed to address the identified conflicts with CairnsPlan 2016.

TOWN PLANNING CONSIDERATIONS

Background

The subject site is located on the corner of Abbott Street and Spence Street. The site contains an existing two-storey commercial building.

The following Advertising Devices are existing on the site:

- An above awning sign that is fixed to the external building facade along the Spence Street frontage;
- Two (2) above awning signs that are fixed to the external building facade along the Spence Street frontage;
- A single side, tri-vision device at the same the location as the proposed Device. The sign is approximately 6 metres by 3 metres with an area of 18m²; and
- A number of below awning shop face and under awning signs (including some illuminated signs).

Please refer to photos 1 & 2 below of the site and additional site photos included in Appendix 2.



Photo 1: View of the site from Spence Street (looking eastward)



Photo 2: View of the site from Abbott Street (looking westward)

The site is located within the Principal Centre Zone and within the Cairns City Centre Local Plan Area (Precinct 1 – City Centre Core). The property is identified as being affected by the following Planning Scheme Overlays: Acid Sulfate Soils, Airport Environs, Flood and Inundation Hazards, Places of Significance and Transport Networks. Spence Street and Abbott Street are both sub-arterial roads, which are identified as major transport corridors.

Advertising Devices Policy review

At the Planning and Environment Committee meeting on 8 August 2018, Council endorsed the policy direction for advertising devices which will inform amendments to both the Planning Scheme and Local law provisions. Whilst not having statutory effect, guidance has been taken from this policy direction in relation to best practice operation of digital advertising devices.

Proposal

The Applicant is seeking a Development Permit for Operational Works as per the *Sustainable Planning Act 2009*. The proposed Advertising Device is a 5.74 metre (h) x 3.83 metre (w) (total area of 21.98m²) illuminated (digital) device. The proposed Advertising Device is intended to provide for off-site advertising. Off-site advertising provides advertising to third parties for profit and not directly associated with the businesses or uses that are located on-site.

The Planning Report identifies that the management of digital content will be undertaken in accordance Department of Transport and Main Road and the Outdoor Media Association (OMA) Guidelines. However, further details in relation to brightness, timing, adaptability and responsiveness to differing natural light and transitions into the evening have not been provided. The OMA Digital Guideline is a non-statutory guideline prepared by the Outdoor Media Association for Digital (defined as illuminated signs under CairnsPlan 2016 v1.0) advertising devices. The OMA Digital Guidelines provides for a dwell time of 10 seconds in a speed environment of less than 80km/hour, however giving consideration to the fact that the device is located at the intersection of two sub-arterial roads a longer dwell time of 90 seconds has been imposed. This is more consistent with the approach taken by DTMR on State controlled roads. The dwell time may be reduced following the outcomes of the Risk and Safety assessment but must be to the satisfaction of the CEO.

The Advertising Device will be secured to the upper level façade of the existing building at the Abbott Street and Spence Street intersection. The proposed advertising device would be visible to traffic and pedestrians at the intersection of Abbott Street and Spence Street and from public places north-eastward of the site along Spence Street and south-eastward of the site along Abbott Street.

The proposed sign will sit approximately 4 to 11 metres above ground level and is located within the boundaries of the site. The illuminated (digital) device is proposed to replace the existing single sided, tri-vision device at the same the location. The existing sign is approximately 6 metres (h) by 3 metres (w) with an area of 18m².

TOWN PLANNING CONSIDERATIONS:

This application was received under the *Sustainable Planning Act 2009*, however the decision will be issued under the transitional provisions of s285-289 of the *Planning Act 2016*. The assessment of an application requiring impact assessment is guided by s314 of the *Sustainable Planning Act 2009 (SPA)*. Section 314 of the SPA provides guidance as to those matters that Council, as Assessment Manager, is required to have regard to when assessing an application that requires impact assessment.

Assessment Process

Under CairnsPlan 2016, the Table of Assessment for the Principal Centre Zone identifies that Operational Works for ‘advertising devices for illuminated signage’ triggers Impact Assessment. Accordingly, Section 313(2) of the *Sustainable Planning Act 2009* provides the relevant matters that Council as Assessment Manager must consider in the assessment of the application. The following sections of this report provide Council’s assessment against the relevant matters.

Matter	Officer Comment
a) State Planning Regulatory Provisions	None Applicable.
b) the regional plan for a designated region, to the extent it is not identified in the planning scheme as being appropriately reflected in the planning scheme;	The Minister has identified that the planning scheme, specifically the strategic framework, appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies in the planning scheme area.
c) any applicable codes, other than concurrence agency codes the assessment manager does not apply, that are identified as a code for IDAS under this or another Act;	None Applicable.
d) State planning policies, to the extent the policies are not identified in— (i) any relevant regional plan as being appropriately reflected in the regional plan; or (ii) the planning scheme as being appropriately reflected in the planning scheme;	The Minister has identified that the planning scheme appropriately advances the State planning policy except for erosion prone areas.
e) any applicable codes in the following instruments— (i) a temporary local planning instrument; (ii) a preliminary approval to which section 242 applies; (iii) a planning scheme;	Refer to the Code Assessment in the CairnsPlan 2016 Assessment section.
f) if the assessment manager is an infrastructure provider—the provider’s LGIP, if any.	Not Applicable.

CairnsPlan 2016 Version 1.0 Assessment

CairnsPlan 2016		Applicability	Compliance
Strategic Framework	3.3.9 Element – built form, design and city image including 3.3.10 Element – places of significance and neighbourhood character	✓	The proposed development conflicts with specific element 3.3.9 – built form, design and city image. Refer to discussion below.
Zone	Principal Centre Zone	✓	Generally Complies, however, the Cairns City Centre Local Plan prevails over the zone code.
Local Plan	Cairns City Centre	✓	The proposed development is in conflict with the Purpose, Overall Outcomes and Performance Outcomes of the Cairns City Centre Local Plan Code. Refer to discussion.
Land Use	N/A	✓	-
Overlays	Acid sulfate soils	✓	Generally Complies – The proposed advertising device will be fixed to the upper level building façade.
	Airport environs	✓	Generally Complies – The proposed advertising device will be fixed to the upper level building façade.
	Building Height	✗	-
	Bushfire hazard	✗	-
	Coastal processes	✗	-
	Extractive resources	✗	-
	Flood and inundation	✓	Generally Complies – The proposed advertising device will be fixed to the upper level building façade.
	Hazardous and explosive facilities	✗	-
	Hillslopes	✗	-
	Landscape values	✗	-
	Natural areas	✗	-
	Neighbourhood character	✗	-
	Places of significance	✓	The proposed development is potentially in conflict to the Purpose, Overall Outcomes and Performance Outcomes of the Places of Significance Overlay Code. Refer to discussion below.
Potential landslip hazard	✗	-	

	Transport Network	✓	Generally Complies – The proposed development does not involve transport infrastructure. The proposed advertising device will be fixed to the upper level building façade.
Other Development Codes	Advertising Devices Code	✓	The proposed development is in conflict with the Purpose, Overall Outcomes, and Acceptable Performance Outcomes of the Advertising Devices Code. Refer to discussion.
	Centre Design Code	✗	-
	Environmental Performance Code	✓	Generally Complies – The proposed advertising device will be fixed to the upper level building façade.
	Excavation and Filling Code	✓	Complies – The proposed advertising device will be fixed to the upper level building façade.
	Industry Design Code	✗	-
	Infrastructure Works Code	✓	Complies – The proposed advertising device will be fixed to the upper level building façade.
	Landscaping Code	✓	Complies – The proposed advertising device will be fixed to the upper level building façade.
	Parking and Access Code	✓	Complies – The proposed advertising device will be fixed to the upper level building façade.
	Reconfiguring a Lot Code	✗	-
	Vegetation Management Code	✓	Complies – The proposed advertising device will be fixed to the upper level building façade.

Compliance Discussion

The proposed development is in conflict with the Strategic Framework, the Places of Significance Overlay Code, the Cairns City Centre Local Plan Code and the Advertising Devices Code of CairnsPlan 2016. The following section of the report discusses the identified conflicts with CairnsPlan 2016 in further detail:

Strategic Framework

Assessment of the proposed development against the Strategic Framework of CairnsPlan 2016 identifies a conflicts including 3.3.9 Element – built form, design and city image specific outcomes:

(19) The location, size and scale of advertising devices located along major road and railway corridors are restricted and over time the overall number reduced. The removal or replacement of older or dilapidated advertising devices located along major road and railway corridors is encouraged.

The proposed illuminated (digital) device will be visible to traffic and pedestrians at the intersection of Abbott Street and Spence Street, which are identified as major transport corridors. Specific Outcome 19 seeks that the location and size of advising devices along major road corridors are restricted and over time reduced.

As such, the proposed development as applied for is in conflict with specific sections of Strategic Framework 3.3.9 Element – built form, design and city image. To overcome this conflict, conditions have been included in the recommendation requiring the existing signage on the Abbott Street and Spence Street frontages to be removed prior to the proposed use of the proposed advertising device commencement.

It is also important to note that there is an existing large format advertising device currently installed in the same location and this device will be replaced by the new device.

Places of Significance Overlay

8.2.13.2 *Purpose & Overall Outcomes*

- (1) *Development on premises adjoining a state heritage place protects the cultural significance of the place and its setting.*
- (2) *(f) development on premises adjoining a state heritage place is sympathetic to the cultural significance and setting of the state heritage place.*

PO8 Where on a premises adjoining a state heritage place or place of local significance, development is designed and constructed so as:

- (a) not to obscure the appearance or prominence of the state heritage place from surrounding streets or public places;*
- (b) not to intrude into important vistas of the state heritage place.*

The subject site is identified as a premise adjoining a State heritage place and is within close proximity to a number of other State heritage places and Places of local significance. The proposed development has the potential to impact on the cultural significance of these places.

The Bolands Centre is located adjacent to the proposed development's western lot boundary. The Statement of Significance for the Bolands Centre identifies that "*the building has aesthetic value due to the height, scale and the detailing of the façade...*" "*...which projects an imposing, elegant presence on the streetscape*" (Criterion E) and that "*the place has social significance as an iconic landmark due to its size, aesthetic appeal and longevity within the streetscape of Cairns*" (Criterion G).

The Bolands Centre is important because of its aesthetic significance (Criterion E) and imposing presence within the streetscape of Cairns. The nature of the proposed device, being bright, large, consisting of variable messaging, highly visible by design and a new form of advertising within proximity to the site may detract from the presence of the Bolands Centre within the Streetscape.

The subject site is also in proximity to a number of other State heritage places and Places of local significance as per Figure 1. The development application has not specifically demonstrated that the Advertising Device will not impact on the views and vistas towards these State heritage places.

As such, the proposed development has the potential to conflict with the Places of Significance Overlay Code, however, consideration needs to be provided to the fact that there is an existing large format device in this location and conditions have been imposed to minimise and monitor the impacts.

City Centre Local Plan

Assessment of the proposed development against the Purpose, Overall Outcomes and Performance Outcomes of the Cairns City Centre Local Plan Code identifies a number of conflicts including:

7.2.2.3 Purpose & Overall Outcomes

- (1) *The purpose of the Cairns city centre local plan code is to strengthen and reinforce the role and function of the Cairns city centre as the Principal centre for Cairns and the Far North Queensland region by: (d) protecting the rich character and heritage of the city and its distinctive tropical identity.*
- (2) *The purpose of the code will be achieved through the following overall outcomes:*
 - (b) *development creates an attractive, comfortable, active, safe and responsive public realm that defines street character and activity, and which provides for the 'city in a rainforest' street environment;*
 - (g) *development is characterised by high quality urban design that responds to the tropical climate and complements adjoining and nearby development to achieve an appropriate and memorable cityscape and streetscape form;*
 - (l) *cultural and historic attributes are maintained; on places of local significance, buildings within neighbourhood character areas, and by conserving state heritage places within the local plan area;*
 - (m) *development allows for views to and from prominent and important city landmarks and retains and enhances vistas to the mountain ranges, ocean and the Esplanade; and*
 - (q) *the safe movement of pedestrians, cyclists and adjacent road traffic;*

PO4 Development: (b) protects and enhances the image and tropical character of the city centre; (c) respects the character, heritage values and amenity of the area.

PO11 Development provides a high standard of design that: (a) achieves tropical urbanism outcomes; (b) positively contributes to the image of the region and provides a visually appealing and interesting skyline when viewed from surrounding areas including but not limited to the coral sea; (d) displays the qualities of good urban places; (e) reflects the concept of a 'city in a rainforest'; (f) uses appropriate materials.

PO16 Development promotes an integrated streetscape, and buildings and street canopies are designed to respond to the city's distinctive tropical character and local environment, and contribute to the concept of a 'City in a rainforest'. PO17 Development strengthens the city centre's sense of place and identity by maintaining and/or creating visual connections with significant built and landscape elements within and surrounding the centre.

The site is located within the Principal Centre Zone and within the Cairns City Centre Local Plan Area (Precinct 1 – City Centre Core). The purpose of the Cairns City Centre Local Plan is to protect the rich character and heritage of the city and its distinctive tropical identity. The proposed development introduces a new type of advertising device that will be a visual feature within the streetscape.

The type of device, in particular the fact that it is a digital device, is not consistent with the existing streetscape character of the Cairns CBD. The proposed sign will be a visually dominant feature and as such the proposed sign may be considered to diminish the rich character and heritage of the city and its distinctive tropical identity. Although details have not been provided in relation to brightness, timing, adaptability and responsiveness to differing natural light and transitions into the evening, relevant conditions have been included in the recommendation to Council to address the potential impact.

The Applicant has not yet demonstrated the development will result in the safe movement of pedestrians, cyclist and adjacent road traffic. The proposed illuminated (digital) device would be visible to traffic and pedestrians at the intersection of Abbott Street and Spence Street. The screen would be directly in the line-of-sight of vehicles approaching the signalised intersection from the south-east along Abbott Street and from the north-east along Spence Street. It is considered that this could provide a distraction for passing drivers, cyclists or pedestrians. As the applicant has not demonstrated that the proposed device will be designed, sited and operated so that the safety and efficiency of the public realm is not adversely affected and is maintained, conditions have been included in the recommendation to Council requiring a Risk and safety assessment be undertaken to mitigate this conflict.

Advertising Devices Code

Assessment of the proposed development against the Purpose, Overall Outcomes, Performance Outcomes and Acceptable Outcomes of the Advertising Devices Code identifies a number of conflicts including:

9.4.1.2 Purpose & Overall Outcome

- (1) *The purpose of the Advertising devices code is to regulate the siting, number and design of advertising devices to protect the visual character and amenity of the region while recognising the legitimate need for enterprise to advertise.*
- (2) *(a) advertising devices are designed and sited so that they: (i) maintain the safety and efficiency of the public realm; (ii) do not detract from the character and amenity of the area; (iii) are appropriate to the scale of surrounding buildings and structures and the locality;*

PO1 Advertising devices do not: (a) provide a distraction for passing drivers, cyclists or pedestrians;

PO2 The advertising device is located and designed to maintain the character and amenity of the surrounding built form, streetscape or landscape setting by: (a) maintaining consistency with the style, scale, building and roof alignments, colours, patterns and other architectural qualities of the building or premises; (b) not cause a nuisance or contribute to visual clutter; (c) maintaining views to: (i) natural landscape features and areas of high and medium landscape value; (ii) places of significance. (d) not dominating the streetscape or landscape; (f) maintain the safety and efficiency of the public realm; (g) be of appropriate size and shape for the locality in which it is located.

AO1.2 Advertising devices do not contain parts that move or rotate, or lights that strobe or flash, or consist of video, LCD, LED, Plasma or similar screens.

AO1.4 Advertising devices are located such that they do not obstruct sightlines or create traffic hazards.

AO2.1 Advertising devices do not impede existing views to landscape features, or places of historical significance.

AO2.4 For an illuminated sign: (a) does not contain parts that move or rotate, or lights that strobe or flash, or consist of video, LCD, LED, Plasma or similar screens.

The purpose of the Advertising Devices Code includes regulating the siting, number and design of advertising devices to protect the visual character and amenity of the region.

The proposed development has the potential to conflict the Purpose of the Advertising Devices Code in that the application has not yet demonstrated that the proposed device is designed, sited and operated so that the safety and efficiency of the public realm (road network) is maintained. This has previously been addressed above. The proposed sign is located within sightlines identified in the Advertising Devices Code as per Figure 1 below.

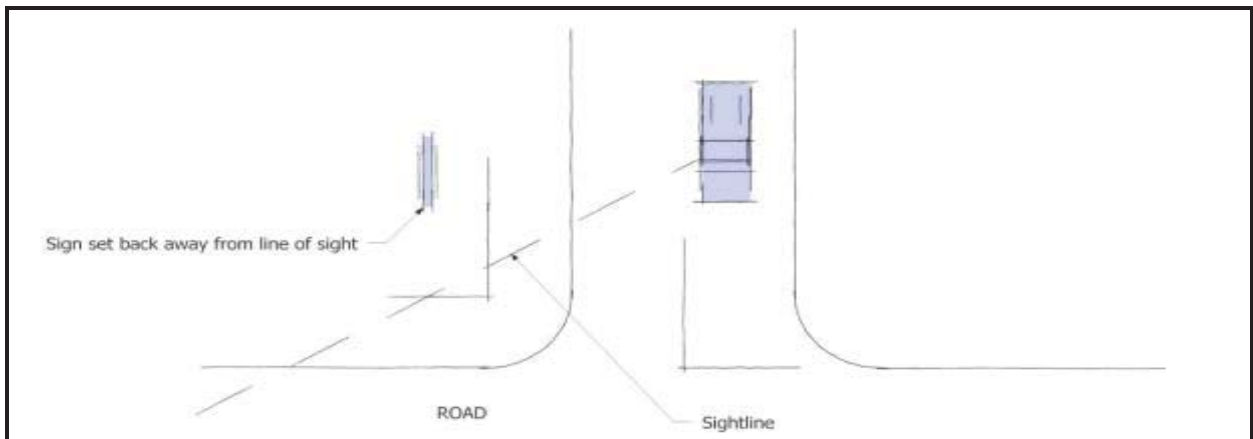


Figure 1: Extract from Advertising Device Code of CairnsPlan 2016 - Sightlines

In addition to the above, the Planning Report identifies that the management of digital content will be undertaken in accordance Department of Transport and Main Road and the Outdoor Media Association (OMA) Guidelines. However, further details in relation to brightness, timing, adaptability and responsiveness to differing natural light and transitions into the evening have not been provided. The OMA Digital Guideline is a non-statutory guideline prepared by the Outdoor Media Association for Digital (defined as illuminated devices under CairnsPlan 2016 v1.0) advertising devices. The OMA Digital Guidelines provides for a dwell time of 10 seconds in a speed environment of less than 80km/hour, given that no further detail was provided within the application it is assumed that the dwell time for each advertisement on the proposed device would be 10 seconds.

To address the majority of aspects associated with the proposed development that conflict with the Advertising Devices Code, conditions have been included to control and monitor these aspects and a specific condition has been included in the requiring the applicant to undertake a Risk and safety assessment of the proposed device to the satisfaction of the Chief Executive Officer prior to the issue of a development permit for building work.

The Advertising Devices Code makes specific reference to advertising devices not consisting of video, LCD, LED, Plasma or similar screens. This application is in direct conflict with the Acceptable Outcomes and Performance Outcomes of the Advertising Devices Code, however, the conditions of approval demonstrate that the development does not compromise the achievement of the Strategic Outcomes of CairnsPlan 2016 v1.0.

PUBLIC NOTIFICATION

The application was publicly notified in accordance with the provisions of the *Sustainable Planning Act 2009* and no properly made submissions were received during this time.

INFRASTRUCTURE CHARGES

The proposed development does not trigger Infrastructure Charges.

CONCLUSION

In consideration of the proposed development and the assessment against the relevant matters provided by Sections 313 and 314 of the *Sustainable Planning Act (2009)*, Officers are of the opinion that the application is in conflict with relevant matters contained within CairnsPlan 2016.

Whilst the proposed illuminated (digital) device is of a scale comparable with an existing device on the building, illuminated signs are not a part of the approved existing streetscape within the city. Where conflicts arise as a result of the operational aspects of the proposed device, conditions have been included in the recommendation to mitigate the conflict with various aspects of the planning scheme.

Based on the assessment of the proposed development and the conditions included in the recommendation, it is recommended that the application be approved despite the conflict with the Planning Scheme.



Kelly Reaston
General Manager Planning & Environment

APPENDIX 1: APPROVED PLAN(S) & DOCUMENT(S)

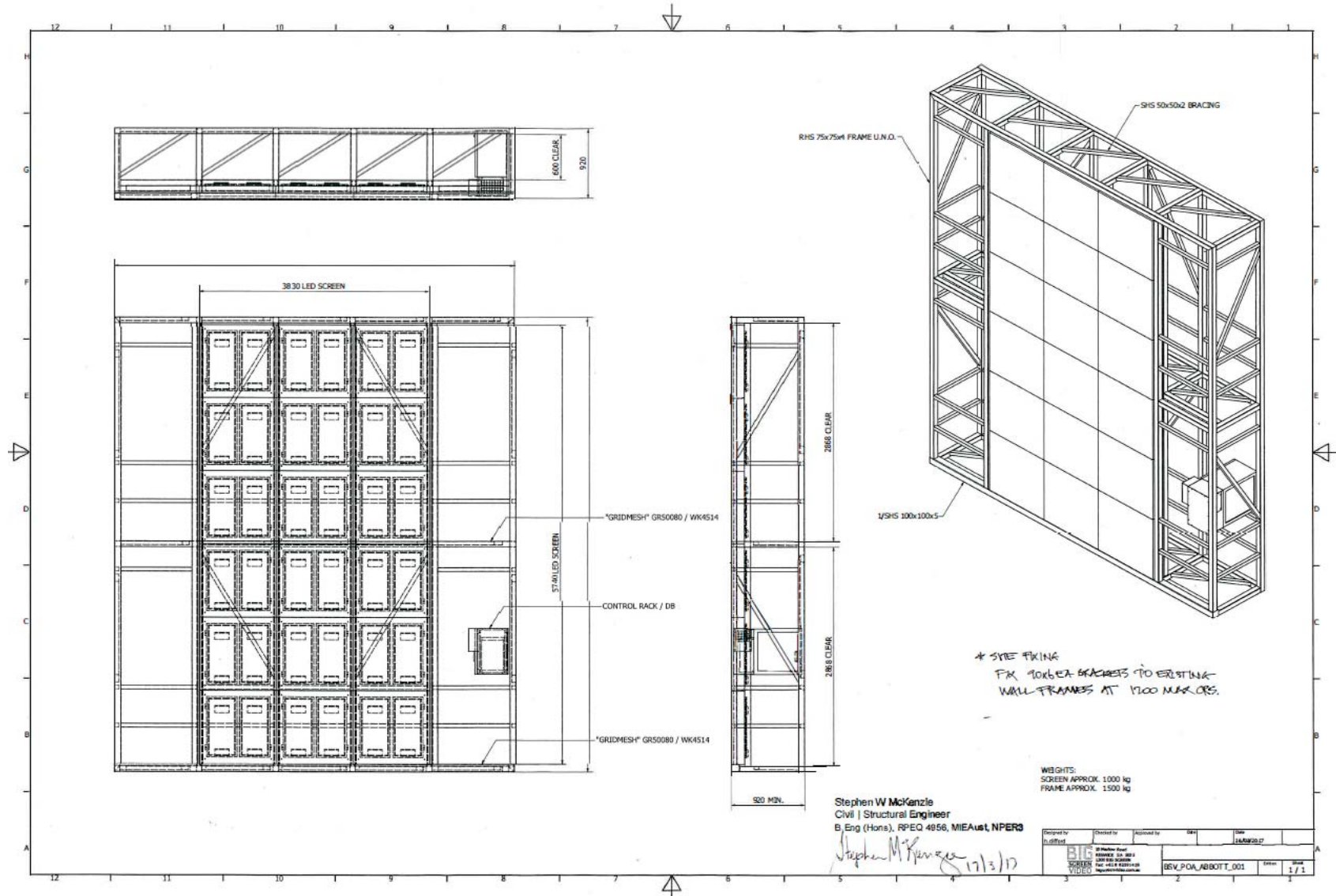




Figure 3 – Existing and Proposed Advertising Device

APPENDIX 2: SITE PHOTOGRAPHS



View of the site from Spence Street



View of the site from Spence Street (under pedestrian awning)



View of the site Abbott Street



View of the site Abbott Street



View of the site Abbott Street (under pedestrian awning)



View of the site from the intersection of Abbott Street and Spence Street

APPENDIX 3: PHOTOGRAPHS OF SURROUNDING CITY CENTRE



View of the streetscape from Sheridan Street



View of the streetscape from Spence Street



View of the streetscape and Bolands Centre from Spence Street



View of the streetscape and Bolands Centre from Spence Street



View of the streetscape and Bolands Centre from Spence Street



View of the streetscape from Abbott Street



View of the streetscape from Abbott Street



View of the streetscape from Abbott Street



View of the streetscape from Abbott Street

APPENDIX 5: Notice of Intention to Commence Use

Notice of Intention to Commence Use

DEVELOPMENT PERMIT *Planning Act 2016*

Development Permit	8/10/533
Date of Approval	22 August 2018
Approved Use	Advertising Device Upgrade
Location	63-63C Abbott Street CAIRNS CITY
Property Description	Lot 2 on RP701116

I/we are hereby notifying Cairns Regional Council of my/our intention to commence the approved use outlined above

on _____ (insert date).

I have read the conditions of the Decision Notice issued and believe that all the applicable conditions have been complied with.

Applicant:

Address:

Contact Phone:

Signature of Applicant/Owner:

Date:
