

<b>ORDINARY MEETING</b> <b>16 JUNE 2015</b>	<b>5.1</b>
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OPERATIONAL WORKS (CODE ASSESSMENT) ON-PREMISES ADVERTISING DEVICE – 9 DAVIDSON STREET PORT DOUGLAS

**Neil Beck, Planning Officer: OP334/2014: #453004**

<u>PROPOSAL:</u>	OPERATIONAL WORKS (CODE ASSESSMENT) ON-PREMISES ADVERTISING DEVICE
<u>APPLICANT:</u>	MONTAWOOD PTY LTD 9 DAVIDSON STREET PORT DOUGLAS QLD 4877
<u>LOCATION OF SITE:</u>	9 DAVIDSON STREET PORT DOUGLAS
<u>PROPERTY:</u>	LOT 1 ON RP738379
<u>LOCALITY:</u>	PORT DOUGLAS AND ENVIRONS
<u>PLANNING AREA:</u>	TOURIST AND RESIDENTIAL
<u>PLANNING SCHEME:</u>	DOUGLAS SHIRE PLANNING SCHEME 2008
<u>REFERRAL AGENCIES:</u>	NONE APPLICABLE
<u>NUMBER OF SUBMITTERS:</u>	NOT APPLICABLE
<u>STATUTORY ASSESSMENT DEADLINE:</u>	17 JUNE 2015
<u>APPLICATION DATE:</u>	6 AUGUST 2014 (AMENDED 8 APRIL 2015)
<u>APPENDIX:</u>	<ol style="list-style-type: none"> <li>1. ORIGINAL PROPOSAL PLAN</li> <li>2. AMENDED PROPOSAL PLAN</li> <li>3. APPLICANT SUBMISSION</li> </ol>

LOCALITY PLAN**RECOMMENDATION:**

**That Council refuse the development application for Placing an Advertising Device on Premises (not Associated with a Material Change of Use) over land described as Lot 1 on RP738379, located at 9 Davidson Street Port Douglas on the following grounds:-**

- 1. The proposed advertising device is contrary to the Port Douglas and Environs Locality Plan as the sign:**
  - (a) is of a size and scale that is not representative of the high quality tourist image of Port Douglas as a seaside tropical resort town of international renown;**
  - (b) does not complement the tropical image of the town by incorporating attractive design and architectural features.**
- 2. The proposed advertising device is contrary to the Tourist and Residential Planning Area Code as the sign:**
  - (a) is not of an appropriate scale and does not achieve an attractive built form which incorporates the character and natural attributes of the site and the surrounding area as integral features of the theme and design of the development;**
  - (b) does not contribute to the visual dominance of tropical vegetation in the local streetscape.**

3. **The proposed advertising device is contrary to the Design and Siting of Advertising Devices Code as the sign:**
- (a) **will adversely impact on the streetscape and will detract from the amenity of the locality;**
  - (b) **is of a size and scale that will dominate its setting and is therefore not appropriate to surrounding buildings and the locality;**
  - (c) **will not complement the architecture of the building;**
  - (d) **will detract from the scenic amenity values of the Shire;**
  - (e) **Pylon signage is not listed as an appropriate signage type in A2.1 of the code and, as such, the tourism appeal of Port Douglas will be compromised by the inclusion of pylon signage within its Tourist and Residential Areas.**
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### **EXECUTIVE SUMMARY:**

Council is receipt of an application seeking approval to erect a free standing illuminated pylon sign having a total height of 3.2 metres at the property frontage of 9 Davidson Street, Port Douglas.

The site is currently improved by a Motel being the Port Douglas Motel which offers short term accommodation to the travelling public. The site is located within the Tourist and Residential Planning Area within the Port Douglas and Environs locality.

The proposed sign is not reflective of contemporary signage in Port Douglas and ought to be discouraged. The proposal is therefore not supported at Officer level and refusal of the application is recommended.

### **TOWN PLANNING CONSIDERATIONS:**

#### **Background**

Application for a lowset illuminated sign at the frontage of the property was originally submitted to Council on 6 August 2014. Following a site inspection, the applicant was advised by correspondence dated 21 August 2014 that the location of the sign as detailed on the Site Plan was on State-controlled road reserve. The correspondence further advised that such a proposal constitutes Off-Premises Advertising which is not supported by the Planning Scheme and land owners consent would be required from Department of Transport & Main Roads.

A copy of this proposal is attached at Appendix 1.

On 8 April 2015, the applicant amended the application which sought approval for a free standing illuminated pylon sign to locate inside the front property boundary. The pylon has a diameter of 250mm, with the sign having an overall height of 4.7 metres and width of 1.8 metres. An assessment against Planning Scheme was not submitted with the amended application. A copy of this proposal is also attached at Appendix 1.

The amended application advised that the proposed sign had the same dimensions as an illuminated sign previously on the roof for the last 40 years. The roof sign was recently removed due to deterioration of the framework fixing it to the roof.

The Applicant was advised on 17 April 2015 that the amended application was considered inconsistent with the Planning Scheme and is not supported at Officer level. The applicant was further requested how they would like to progress the matter having regard to the following options:-

1. Withdraw the application;
2. Further amend the application having regard to the Purpose of the code;
3. Reinstate the sign where it was before on the roof; or
4. Have the matter presented to Council for determination.

The applicant submitted a further amended plan on 23 April 2015 with an assessment against the Planning Scheme.

### Proposal

The amended plan submitted on 23 April 2015 seeks approval for a free standing illuminated pylon sign with the pylon having a diameter of 250mm and a height of 2 metres and the mounted sign being 1.8 metres wide and 1.2 metres high.

The overall height of the sign is 3.2 metres and located 1 metre from the front boundary as illustrated at Appendix 2. A copy of the Applicant's submission is also attached at Appendix 2.

It is noted that the plan view of the proposal nominates the post to be 2.5 metres. However the written submission accompanying the application states the sign will have an overall height of 3.2 metres.

### Douglas Shire Planning Scheme Assessment

Douglas Shire Port Douglas and Environs Planning Locality		Code Applicability	Compliance
Locality	Port Douglas and Environs	✓	No. See below.
Planning Area	Commercial	✓	No. See below.
Defined Use	Operational Works Advertising		
Overlay Codes	Acid Sulfate Soils Code	✗	-
	Cultural Heritage and Valuable Sites Code	✗	-
	Natural Hazards Code	✗	-
General Codes	Design and Siting of Advertising Devices Code	✓	No. See below.
	Filling and Excavation Code	✗	-
	Landscaping Code	✗	-
	Natural Areas and Scenic Amenity Code	✗	-
	Reconfiguring a Lot Code	✗	-
	Vehicle Parking and Access Code	✗	-
	Sustainable Development Code	✗	-

### Compliance Issues

#### Definition of Advertising Device

The Planning Scheme defines an Advertising Device as being:-

*..any device, structure or sign intended for advertising purposes which is visible from a Road or other public place and includes any framework or supporting structure or device which is provided exclusively or primarily as part of the advertisement. The term is limited to the specific advertising devices listed in the Design and Siting of Advertising Devices Code.(my emphasis)*

Amongst all the other forms of advertising devices listed in the code such as wall signs, under awning signs etc, the Design and Siting of Advertising Devices Code does not list free standing pylon signage or the like as an appropriate or anticipated form of advertising.

It is suggested that this is by planning intent and not by chance that free standing pylon signage is not a prevalent form of advertising in Port Douglas and throughout the Shire.

Notwithstanding the interpretation of the land use definition of Advertising Device and the associated list of advertising devices within the code, an assessment of the proposal against the Planning Scheme is provided below.

### **Port Douglas and Environs Locality Code**

Amongst other things, the purpose of the Port Douglas and Environs Locality Code is to:

- ensure that tourist development and associated landscaping is high quality which reflects and complements the image of Port Douglas as a tropical seaside resort town of international renown;
- ensure that all forms of development complement the tropical image of the town by incorporating attractive design and architectural features.

A significant part of the tourist appeal of Port Douglas is its tropical architecture that integrates with its lush tropical garden setting, where signage is, for the most-part, very low-key and complementary to the character of the area.

This particular site enjoys a high degree of exposure to Davidson Street due to the lack of vegetated garden islands and trees located within the road reserve on the northern side of Davidson Street which is in contrast to the opposite side of the street. In addition, the single storey component of the building is located on the front boundary of the site for 7 metres of the total 20 metre road frontage. The road verge and proposed location of the sign is quite denuded of vegetation. The lack of vegetation in Davidson Street extends for a total length of approximately 80 – 90 metres either side of the site. This is evident in the aerial image provided in the Locality Plan above.

Port Douglas is not characterised by an over-proliferation of signage. Pylon signage is not represented and internally-illuminated signage on buildings is not widespread.

While the Applicant has reduced the overall height of the pylon sign from 4.7 metres to 3.2 metres, the proposed sign has the potential to detract significantly from the streetscape aesthetic and tourism appeal of the town, if it were to be permitted.

The proposed sign is therefore considered to be contrary to the purpose of the Port Douglas and Environs Locality Code.

### **Tourist and Residential Planning Area Code**

Amongst other things, the purpose of the Tourist and Residential Planning Area Code is to:

- ensure that tourist development is of an appropriate scale and achieves an attractive built form which incorporates the character and natural attributes of the Site and the surrounding area as integral features of the theme and design of the development;
- ensure that Landscaping of tourist development is of high quality and contributes to the visual dominance of tropical vegetation and the local streetscape.

As detailed above, the site enjoys high exposure to Davidson Street with reduced and no building setbacks for part of the street frontage and the lack of vegetated areas onsite and within the road reserve.

Signage associated with the majority of other holiday accommodation establishments on Davidson Street and around Port Douglas has found that the signage is low key and low set (generally on two posts) and nestled into established garden beds and landscaped settings.

The introduction of a free standing pylon sign with a diameter of 250mm and an overall height of 3.2 metres placed at the frontage of the site in an area denuded of vegetation is not considered to further the intent of the Tourist and Residential Planning Area or positively contribute to the streetscape. The sign which will visually dominate the street frontage.

### **Design and Siting of Advertising Devices Code**

Amongst other things, the purpose of the Design and Siting of Advertising Code is to:

- ensure the advertising devices do not adversely impact on the streetscape or detract from the amenity of the locality;
- ensure that advertising devices which are incorporated in the site design of a development or the architecture of the building, complement the building or development;
- ensure that advertising devices do not dominate the surrounding vegetation, landscaping or natural features of the environment and scenic amenity values of the Shire.

The proposed free standing pylon sign in this part of the streetscape has the potential to significantly detract from the amenity of the locality and will introduce a form of signage that is not currently represented in the area.

The sign will draw the attention of all those who pass by and will not complement the building and the setting, in which it is to be located. The site currently enjoys high exposure to Davidson Street and the sign will be visually obtrusive.

The associated assessment criteria contained in the Code nominates a range of signage types that are considered appropriate in various parts of the Shire. Free standing illuminated pylon advertising devices are not nominated within the code as being appropriate in the Shire generally.

The introduction of such a sign is considered inconsistent with the acceptable solutions, performance criteria and purpose of the Design and Siting of Advertising Devices Code.

## **Old versus New**

The new owners of the Port Douglas Motel have undertaken recent internal and external renovations of replacing the roof, re-painting the premises and works within the frontage of the property which has dramatically improved the appearance of the building. Part of the works included removing an illuminated sign from the roof which was in poor condition.

The applicant is of the opinion that the proposed sign merely seeks to replace the previous sign which was mounted on the roof at the frontage of the property. The sign previously mounted on the roof is understood to have been in place for several decades.

This view point is appreciated and acknowledged. However, the proposal put forward is not to reinstate the previous sign but rather introduce a new sign. The existence of a previous illuminated roof mounted sign is not sufficient grounds to overcome the non-compliance with the Planning Scheme identified above.

Having regard to the history of signage associated with this development, it is considered that use rights exist for the illuminated roof sign and therefore the applicant has the ability to reinstate this sign if they desire. It is acknowledged that this too would be a poor outcome for the site and would detract from the recent renovations and overall appearance of the property and streetscape.

The characteristics of the sign originally proposed in August 2014 and attached at Appendix 1 is an example of appropriate signage and one which is more reflective and respectful of contemporary signage in Port Douglas.

## **Other Signage**

In support of the proposed sign, the applicant has identified signage associated with similar businesses along Davidson Street as being similar and supportive of the proposal being put forward.

The most relevant would be the sign associated with the Lazy Lizard (a photo of which is attached at Appendix 3). A review of this property file did not contain details regarding the sign however the Certificate of Classification for the development (certifying the development can be occupied) was issued in May 1988. While detail of the signage can not be found, the following comments are made:-

1. The development was established under the 1981 Planning Scheme and applicable Local Laws and Policies that applied at that time;
2. The sign is smaller in size than that being proposed and supported by a steel pole having a much smaller diameter;
3. The sign is located behind a block wall and within a landscaped area;
4. The sign is setback some 65 metres from the 'main drag' into Port Douglas. This compares with approximately 15 metres for the proposed sign;
5. The sign is not reflective of the majority of contemporary signage associated with accommodation establishments in Port Douglas which are low key and lowset in established landscaped settings.

No concern is raised with respect to the other signage listed such as Marina Terraces and Mantra. The issue isn't the illumination of the sign as would be suggested by the applicant. Amongst other things, it is the appearance and domineering qualities of the sign having regard to the space in which is located which brings about and gives rise to the conflict with the Planning Scheme as previously noted.

Concern is also held that in the event the sign is approved, then a number of other accommodation establishments and commercial businesses will seek to erect illuminated pylon signage of varying heights and sizes in front of their premises.

Should Council not agree with the recommendation and consider that the proposed form of signage acceptable and consistent with the Planning Scheme and ought to be supported, then this would inform the policy direction for the draft scheme to reflect this intent.

### **Public Notification / Submissions**

The application is code assessable and public notification of the proposal is not required.

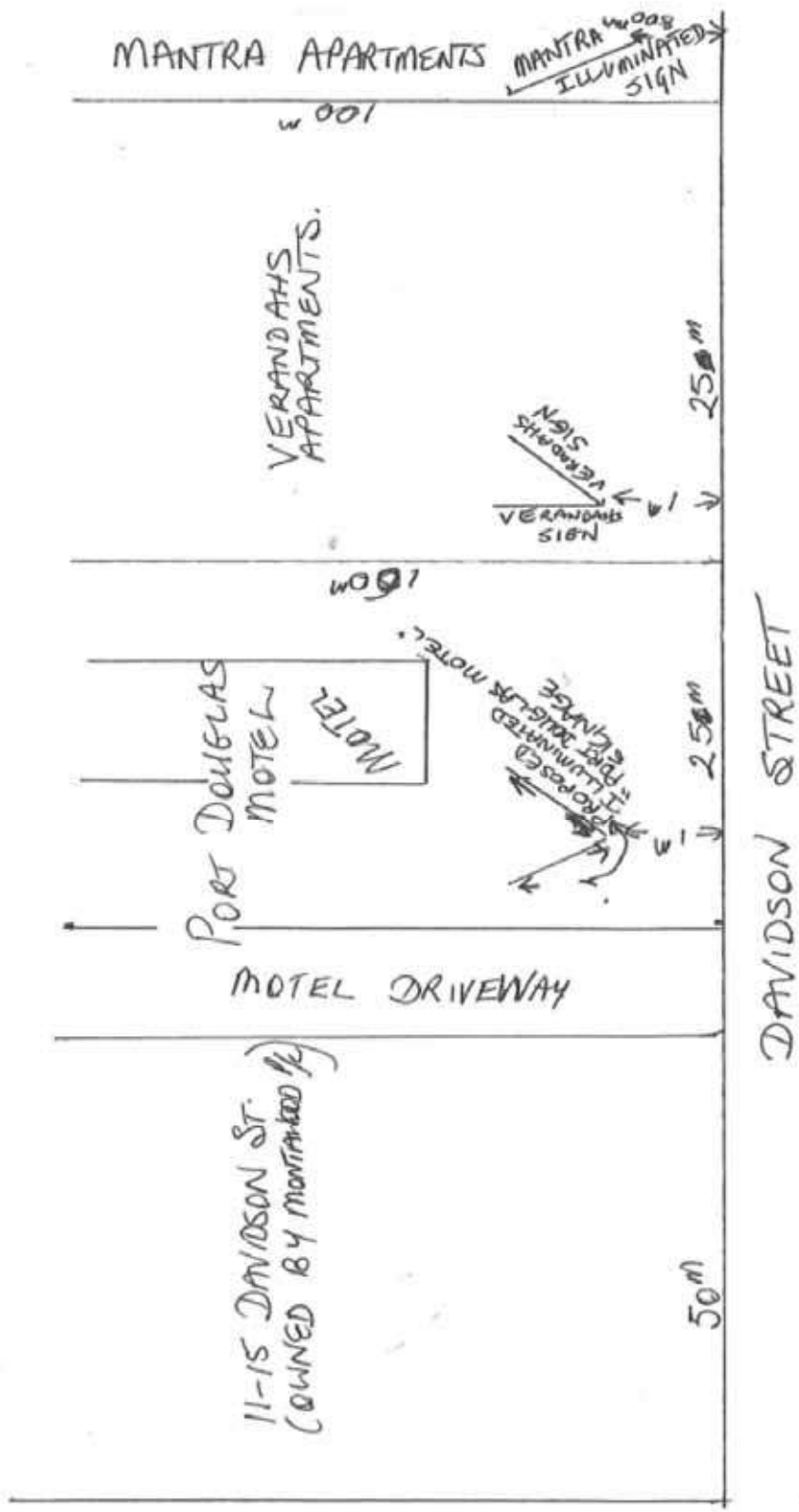
### **COUNCIL'S ROLE**

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

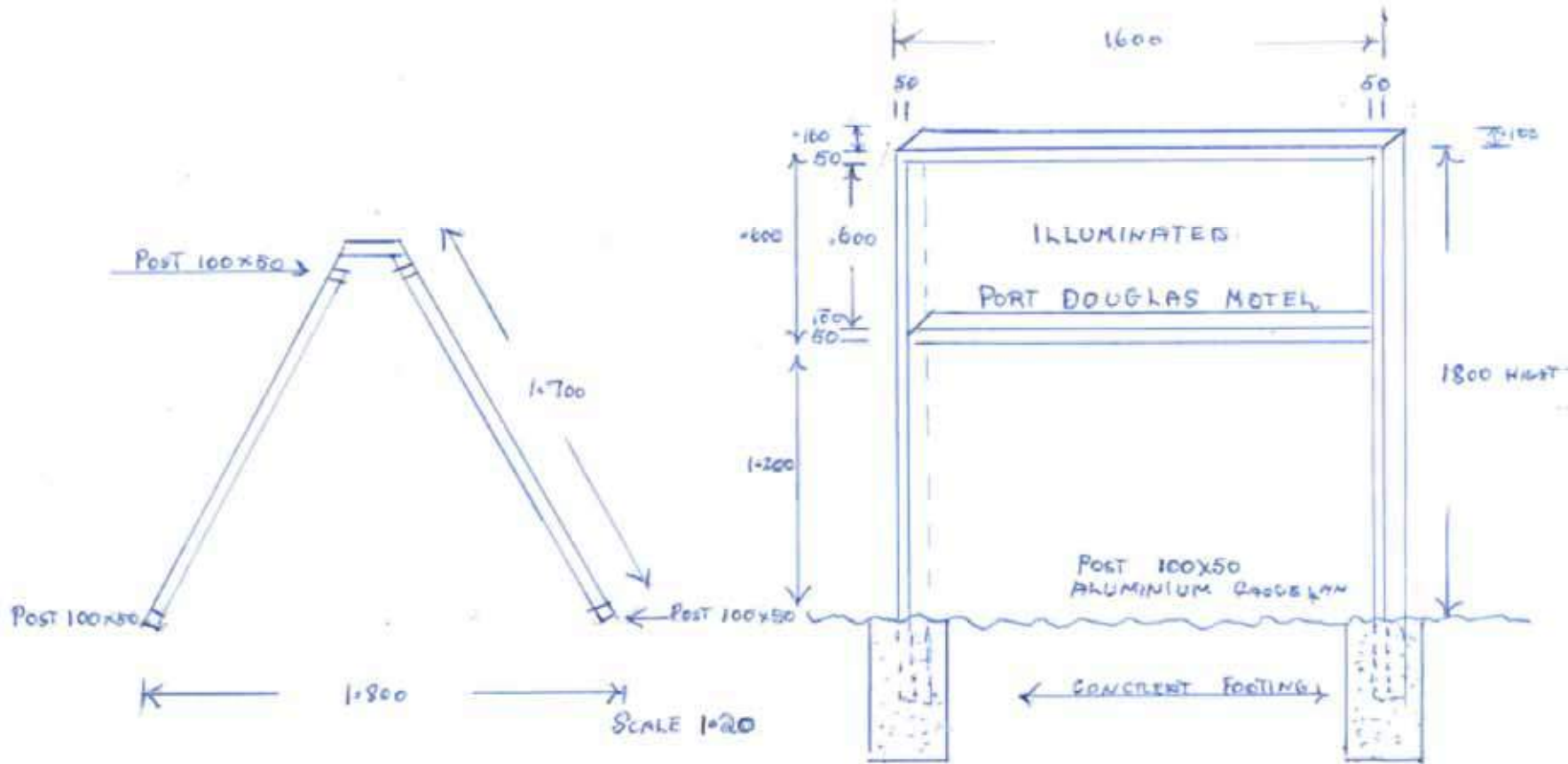


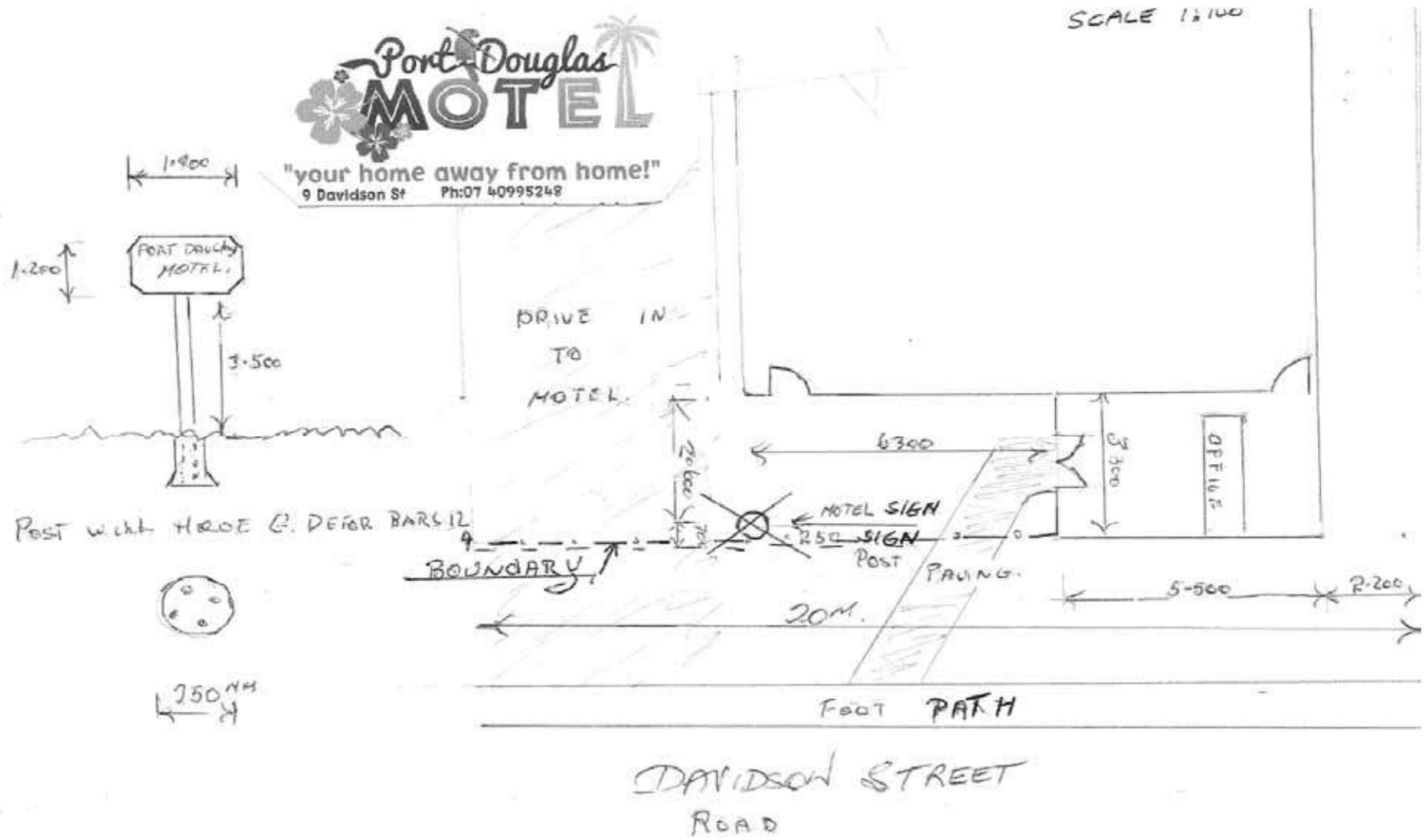
APPENDIX 1: PROPOSAL PLAN

SCALE: 1:500  
- OPERATIONAL WORK  
PORT DOUGLAS MOTEL ILLUMINATED SIGN.  
PORT DOUGLAS  
9 DAVIDSON ST, PORT DOUGLAS

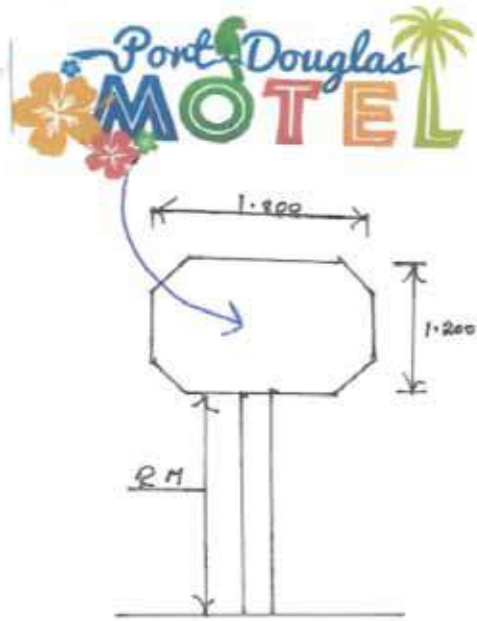


OWNER MONTAWOOD PTY LTD  
PROPOSED ILLUMINATED BOX SIGNAGE FOR PORT  
DOUGLAS MOTEL ADDRESS: 9 DAVIDSON ST PORT DOUGLAS

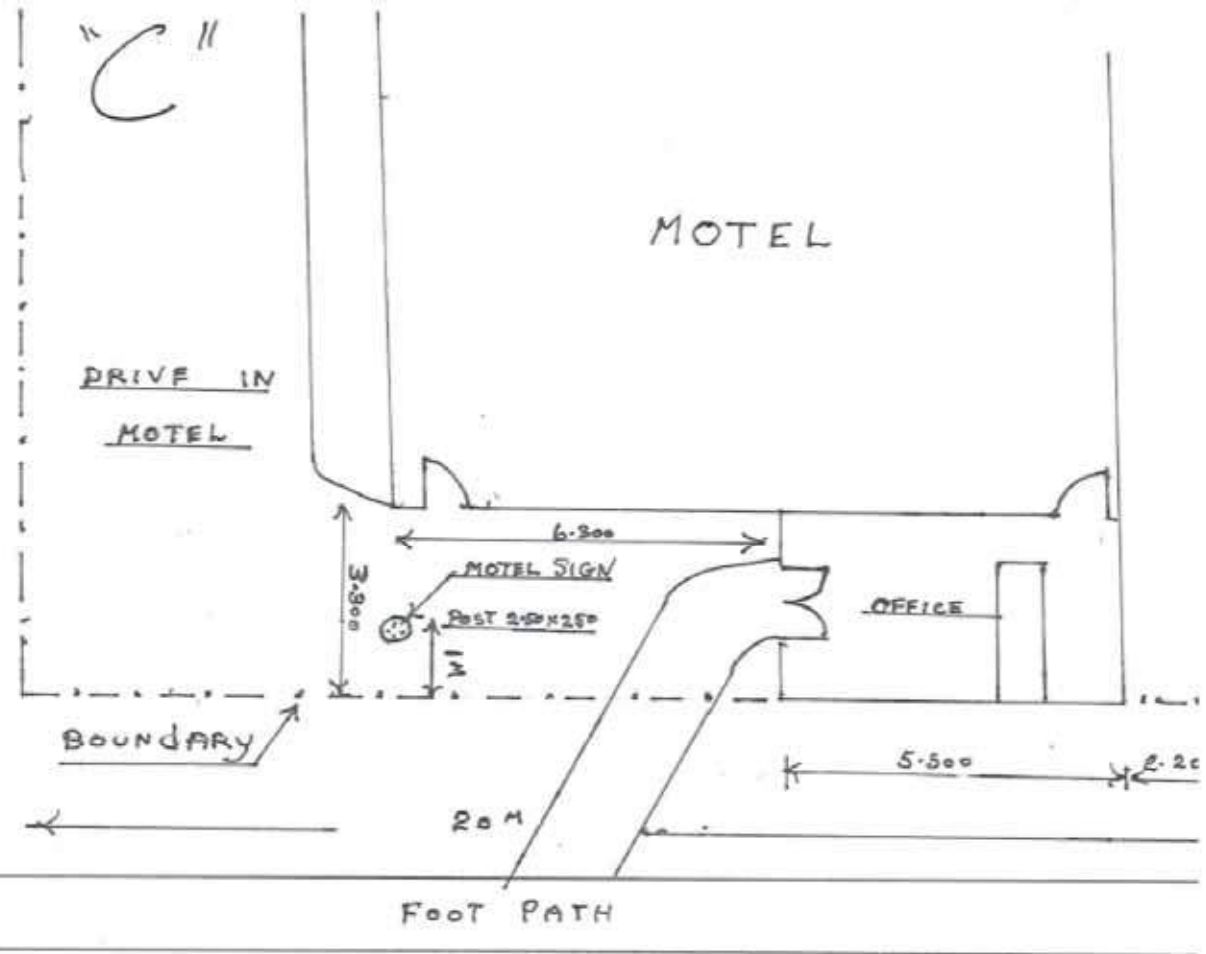




APPENDIX 2



Scale 1:50



Scale 1:100

## APPENDIX 3 – APPLICANT SUBMISSION

### PORT DOUGLAS MOTEL - FURTHER INFORMATION

#### **PREAMBLE:**

The proposal involves the placement of a sign within the boundary of 9 Davidson Street, Port Douglas to advise customers/tourists of the location of the Motel and the location of the entrance to the carpark.

It is proposed the sign replace signs on the nature strip outside the property and on the roof of the Motel which has pre-existing use rights to illuminated signage.

#### **CONSIDERATION OF CODES**

##### **Port Douglas and Environs Locality Code**

Not applicable as the Code in the applicability provisions does not include "Operational Work Placing of an Advertising Device on Premises not associated with a Material Change of Use".

##### **Tourist and Residential Planning Area Code/Advertising Device Code**

**A statement about how the proposed development addresses the local government's planning schemes and any other planning documents relevant.**

**ensure the Advertising Devices do not adversely impact on the streetscape or detract from the amenity of the locality.**

The owners and operators of the Port Douglas Motel submit the erection of a **new replacement illuminated Motel sign** will not have an adverse effect on the streetscape (Davidson Street) or detract from the amenity of the locality.

#### **History:**

The Port Douglas Motel was built some 40 years ago. The history of it's signage is that there has always been an illuminated sign protruding from the roof and also further signage on the Main Roads controlled reserve to the west of the concrete footpath. This road reserve signage was removed during renovations in 2013/2014.

**We believe the pre-existing signs have existing use rights. However, we are proposing that the new sign will replace the pre-existing signs (illuminated roof sign and road reserve signage) and will be less intrusive and more in line with visual amenity.**

Some 6 weeks ago the illuminated sign was removed from the Motel roof to allow for a new roof to be installed. The old iron was leaking and in urgent need of replacement. The roofing plumbers had to remove the signage to affix the new roof.

Once removed it became apparent that it could not be re-instated because the framework was completely rusted out in areas. Please see attached **photos marked "A" and "B". showing extent of deterioration of framework.**

In fact, it is a miracle that the sign did not fall off the roof endangering either Motel staff or passer bys.

### **Proposed New Motel Signage**

The new advertising device is smaller in size that the existing "old" illuminated sign that is currently operating from ground level pending installation of the new sign.

The finished size of the new sign is 1.2 metres high and 1.8 metres long, – Landscape design compared to the old illuminated sign which was Portrait design, and larger in size.

**The height of the cyclone proof pole supporting the sign will now be reduced from 3.5 metres to 2 metres.** The height of the sign is 1.2 metres, so the overall height from ground level to the top of the sign will be **3.2 metres.**

John Nagan registered builder no 6386 will install the new signage.

Please refer to attached **plan marked "C"** showing finished signage. This plan replaces the plan lodged on 8/4/15 showing pole height at 3.5 metres.

### **Location of new sign**

The new sign will be **moved further inside the boundary.** It will be 1 metre from the front boundary and not .700 as per plan lodged on 8/4/2015.

The illumination facing northward will not be obtrusive to our neighbours.

Line of site: "Verandah's Port Douglas" building will not see the sign as it is totally within our boundary and will not protrude outside our boundary.

Nor will it protrude over the Motel reception roof height or past the boundary line of the front of the Motel.

The property to the south (11 – 13 Davidson Street, Port Douglas) comprises an old house and a vacant block of land; the vacant land being the adjoining property to the Motel site. This is owned by Montawood P/L (same ownership as Motel) and as such we will have no objection to the location of the new sign

**ensure that Advertising Devices are appropriate to the scale of surrounding Buildings and the locality.**

The proposed new illuminated sign will not detract from the amenity of the locality.

There is illuminated signage within close proximity to the Motel, namely, "Mantra" illuminated signage, "Marina Terraces" illuminated signage (across the road from Motel) and the "Coconut Grove" on Macrossan Street with neon signage .

Further south along Davidson Street the following resorts have illuminated signage:

1. Nautilus Resort - illuminated box signage
2. Tropical Nites - Neon signage
3. Reef Club - illuminated box signage
4. The Lazy Lizard Motor Inn- illuminated box signage on a pole within their boundary. See attachment marked "D"

**Hours of illumination**

The hours of illumination will be from approximately 6 p.m. to 9.30 p.m. daily, 7 days per week. At 9.30 p.m. the signage will automatically switch off. The voltage to the sign will be 12 volt and not 240 volt and the material used to construct the sign will be frangible material, so if broken, guests will not be injured.

It is noted: the signs referred to above are illuminated for longer hours than we propose.

The proposed illuminated sign will be tasteful and will not detract from the amenity of the locality.

The new sign identifies the location of the Port Douglas Motel and allows vehicles to enter the property quickly without causing traffic disruption.

**ensure the Advertising Devices which are incorporated in the Site design of a development or the architecture of a Building complement the Building or development**

We believe the proposed new advertising device complements the existing 40 year old building and does not affect the iconic values of Port Douglas. The signage is low key and the logo tasteful.

**Natural Area and Scenic Amenity Code**

Not applicable as application does not trigger the applicability provisions under the Code.

*Humain Nagai* 23/4/2015

From: NaganLP <naganpd@bigpond.com>  
Date: 22 April 2015 1:22:49 PM AEST  
To: "naganpd@bigpond.com"  
<naganpd@bigpond.com>  
▶ 1 Attachment, 3.9 MB



"A"

Sent from my iPhone



From: NaganLP <naganpd@bigpond.com>  
Date: 22 April 2015 4:02:49 PM AEST  
To: "naganpd@bigpond.com"  
<naganpd@bigpond.com>



▶ 1 Attachment, 4.1 MB



"B"

Sent from my iPhone

From: NaganLP <naganpd@bigpond.com>  
Date: 22 April 2015 1:30:12 PM AEST  
To: naganpd@bigpond.com



▶ 1 Attachment, 2.7 MB



"D"

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