

ORDINARY MEETING 26 MAY 2015	5.2
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OPERATIONAL WORKS (PLACING AN ADVERTISING DEVICE ON PREMISES NOT ASSOCIATED WITH A MATERIAL CHANGE OF USE) – 53-61 MACROSSAN STREET PORT DOUGLAS

Neil Beck: OP 795/2015: {454011}

<u>PROPOSAL:</u>	OPERATIONAL WORKS (PLACING AN ADVERTISING DEVICE ON PREMISES NOT ASSOCIATED WITH A MATERIAL CHANGE OF USE)
<u>APPLICANT:</u>	NIGHTOWL CONVENIENCE PO BOX 8326 WOOLONGABBA QLD 4102
<u>LOCATION OF SITE:</u>	53-61 MACROSSAN STREET PORT DOUGLAS
<u>PROPERTY:</u>	LOT 1 ON RP150461
<u>LOCALITY:</u>	PORT DOUGLAS AND ENVIRONS
<u>PLANNING AREA:</u>	COMMERCIAL
<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>	27 MAY 2015
<u>APPLICATION DATE:</u>	28 APRIL 2015
<u>APPENDIX:</u>	1. PROPOSAL PLAN & APPLICANT'S SUPPORTING STATEMENTS

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 RP150461, located at 53-61 Macrossan Street Port Douglas on the following grounds:-

1. The proposed advertising device is contrary to the Port Douglas and Environs Locality Plan as the proposed sign:
 - (a) 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.

2. **The proposed advertising device is contrary to the Commercial Planning Area Code as the sign:**
 - (a) **does not ensure that commercial and shopping areas are attractive through high quality design.**

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) **will not complement the design and architecture of the building;**
 - (e) **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 this type of signage within its Tourist and Commercial Areas.**

EXECUTIVE SUMMARY:

Application has been made for an internally illuminated (LED) sign at 53-61 Macrossan Street, Port Douglas.

The proposed sign has the potential to compromise the high quality tourist image of Port Douglas and to detract significantly from the streetscape and the associated building.

Therefore, the proposed LED sign is recommended to be refused.

TOWN PLANNING CONSIDERATIONS:

Background

The existing development on the land is known as Portico and was originally established in two stages.

Stage 1 (MCU 028/01) consisted of 8 shopping tenancies and was approved subject to conditions on 26 October 2001. Stage 2 (MCU 3B 004/06) consisted of an additional 8 shopping tenancies and a restaurant tenancy and was approved subject to conditions on 2 May 2006. A further application for 2 multiple dwelling units (MCU 3B 052/04) was approved on 5 September 2006. However, this component has not been established and the approval has since lapsed.

Stages 1 and 2 of the development have been completed and a series of predominantly retail tenancies occupy the building. A Night Owl convenience store occupies shop 5 in the overall development.

The Portico development is set in lushly landscaped surrounds and incorporates a variety of decking areas, paved footpaths, interesting variations in levels and setbacks to the street. The development has a variety of signs established: none of which dominates the development when viewed from the roadside. However when viewed from the footpath as a pedestrian, the signage is much more evident in the form of two discrete tenancy signs for the development facing Davidson Street set within a landscaped backdrop, illuminated fascia signage (Brumby's, Night Owl), a small number of internally-illuminated small-scale projecting signs at cafes and restaurant tenancies, with non-illuminated projecting signage being the more predominant form of signage, and a variety of A-Frame signage.

Night Owl presently has three A-frame signs along with a small advertising sign attached to the wire balustrading in front of the tenancy. Two tenancies have illuminated/flashing 'Open' signs displayed on the inside of their glass doors and another tenancy has a TV display in its front window that is displaying promotional material.

Proposal

The proposal is to install a 1.76m x 0.85m LED sign adjacent to the timber and wire balustrading in the landscaped courtyard at the front on tenancy 5 (refer to Appendix 1).

The plans show the sign as being approximately 1.8m tall, although due to variations in footpath level in the vicinity of the proposed sign, it is more likely to be about 1 metre high, relative to the adjoining footpath. It is not clear from the proposal plans whether the sign is double-sided. However the sign is orientated to face pedestrian traffic walking along the footpath.

The sign is proposed to be interactive and is fully customizable in terms of brightness, colour and display.

Douglas Shire Planning Scheme Assessment

Operational works for an advertising device (not associated with a material change of use) is code assessable development in the Commercial Planning Area within the Port Douglas and Environs Locality. The following codes apply to the 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

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. 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.

The LED sign as proposed 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.

Commercial Planning Area Code

Amongst other things, the purpose of the Commercial Planning Area Code is to:

- ensure that commercial and shopping areas are attractive through high quality design and the provision and maintenance of landscaping and street trees.

The Portico development has established as a high quality tourist-oriented shopping development where lush on-street landscaping integrates with the built form of the development. The footpath has a variety of different levels, surface treatments, balustrading and columns. While signage is present, it is currently not excessive or domineering. The introduction of a proposed LED sign facing the footpath will significantly intrude in this high quality streetscape. As such the sign is considered to not represent high quality design that is in keeping with the existing high quality development on the land, and is therefore considered to be contrary to the Commercial Planning Area Code.

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 introduction of an LED, animated 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 LED sign will draw attention and will not complement the building and the setting, in which it is to be located.

The associated assessment criteria contained in the Code nominates a range of signage types that are considered appropriate in various parts of the Shire. Internally illuminated advertising devices are not nominated within the code as being appropriate in the Shire generally. In particular, in Commercial and Tourist Commercial areas, indirectly illuminated signage is considered appropriate. The introduction of an LED, animated sign is considered to be inconsistent with the acceptable solutions, performance criteria and purpose of the Design and Siting of Advertising Devices Code.

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 & SUPPORTING STATEMENTS

Supporting LETTER.

Proposed LED sign for shop 5 / 53 Macrossan Street Port Douglas

Port Douglas NightOwl



The proposed LED sign is of a high quality design and will blend in with the local environment.

It is environmentally friendly by using less energy than a standard light box.

The sign will be interactive and will be compatible with the local environment.

The proposed sign is fully customizable in brightness, colour and display and will be adjusted to suit the local area.

The proposed sign is structurally sound and complements the surroundings.

The sign will pose no obstruction to vehicular or pedestrian traffic.

The design of the sign complements and supports the business.

The sign is within scale of the surrounds and it bears a reasonable relationship to the dimensions of the surrounding buildings and environment.

The proposed sign's presence is not unduly dominating or oppressive and does not unreasonably obstruct existing views.

The Proposed sign will be consistent in appearance and colour with buildings and natural features of the environment in which it is situated.

The proposed sign will be consistent with the character and values of the environment in which it is situated.





1. Lessor
 PORT PLAZA PTY LTD ACN 010 698 389

2. Lot on Plan Description	County	Parish	Title Reference
LOT 1 ON SP 150461	SOLANDER	SALISBURY	50409652
3. Lessee Given names	Surname/Company name and number		(include tenancy if more than one)
	NIGHTOWL PROPERTIES PTY LTD ACN 126 734 549		