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| 8.4 | PARADISE OUTDOOR ADVERTISING - OPERATIONAL WORKS - ADVERTISING DEVICE (FREESTANDING DIGITAL/STATIC SIGN) - LOT 6 ON RP726416 - 230 BYRNES STREET, MAREEBA - OPW/24/0006 |
|------------|--|

Date Prepared: 6 March 2025

Author: Senior Planner

Attachments:

1. Plans & Prospective Views
2. Applicants Response to Information Request & Original Traffic Engineering Assessment
3. Third Party Review of Traffic Engineering Assessment - NJM Engineering Consulting
4. Department of Transport & Mains Roads Advice - Digital Advertising Device Situated Within Restriction Notice Area
5. Pekol Traffic & Transport Response to Third Party Engineering Review

APPLICATION DETAILS

| APPLICATION | | PREMISES | |
|----------------------|--|----------|----------------------------|
| APPLICANT | Paradise Outdoor Advertising | ADDRESS | 230 Byrnes Street, Mareeba |
| DATE LODGED | 24 October 2024 | RPD | Lot 6 on RP726416 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Operational Works – Advertising Device (Freestanding Sign) | | |
| FILE NO | OPW/24/0006 | AREA | 1,104m ² |
| LODGED BY | BNC Planning | OWNER | S Fennell |
| PLANNING SCHEME | Mareeba Shire Council Planning Scheme 2016 | | |
| ZONE | Centre Zone | | |
| LEVEL OF ASSESSMENT | Code Assessment | | |
| SUBMISSIONS | N/A – Code assessment only | | |

EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The application proposes the construction of a double-sided freestanding advertising sign with sign face dimensions of 3.4m x 4.8m (16.3m²). The south-facing sign face will be digital with changing displays while the north-facing sign face will remain static. The freestanding sign will be mounted on a monopole three (3) metres above ground level, achieving a total height of 8.5 metres.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is in conflict with a number of Overall Outcomes and Performance/Acceptable Outcomes contained within the Centre zone code and Advertising devices code.

The proposed freestanding sign will be inconsistent with the built and natural character of other structures in the immediate vicinity with the sign likely to dominate the streetscape due to its sheer

size, location, separation from other built form and illuminated digital element. Additionally, the sign is likely to increase levels of driver distraction to a degree that would impact on the safety of vehicles and pedestrians using the Byrnes/Rankin Streets signalised intersection.

It is recommended that the application be refused.

OFFICER'S RECOMMENDATION

That in relation to the following development application:

| APPLICATION | | PREMISES | |
|-----------------------------|--|----------------|----------------------------|
| APPLICANT | Paradise Outdoor Advertising | ADDRESS | 230 Byrnes Street, Mareeba |
| DATE LODGED | 24 October 2024 | RPD | Lot 6 on RP726416 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Operational Works – Advertising Device (Freestanding Sign) | | |

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Refused by Council for reasons set out in (B).

(A) REFUSED DEVELOPMENT: Development Permit for Operational Works – Advertising Device (Freestanding Sign)

(B) ASSESSMENT MANAGER'S REASONS FOR REFUSAL:

1. The proposed development conflicts with Performance Outcome PO6 of the Centre zone code:

PO6

Development complements and integrates with the established built character of the Centre zone, having regard to:

- (a) roof form and pitch;
- (b) eaves and awnings;
- (c) building materials, colours and textures; and
- (d) window and door size and location.

2. The proposed development conflicts with Performance outcome PO8 (d) and (e) of the Centre zone code:

PO8 – Amenity

Development must not detract from the amenity of the local area, having regard to:

- (a) noise;
- (b) hours of operation;
- (c) traffic;
- (d) advertising devices;**
- (e) visual amenity;**
- (f) privacy;
- (g) lighting;

- (h) odour; and
- (i) emissions.

3. The proposed development conflicts with 9.4.1.2 Purpose and Overall outcomes (a), (b), (c), (d) and (h) of the Advertising devices code:

9.4.1.2 Purpose

- (1) The purpose of the Advertising devices code is to regulate the location, siting, number, content and design requirements for advertising devices to protect the visual character and amenity of the urban and rural areas of the region, whilst supporting the promotion of business and enterprise.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Advertising devices are designed, sited and integrated so that they do not detract from the existing character and amenity of an area and contribute to a coherent and harmonious streetscape;
 - (b) Advertising devices are of a scale, dimension and quality to minimise adverse visual impacts;
 - (c) Advertising devices do not result in visual clutter;
 - (d) Advertising devices do not impact on pedestrian or road safety and do not obscure the view of any official traffic, safety or information sign;
 - (h) Billboards are limited to identified localities.

4. The proposed development conflicts with Acceptable Outcome AO1.1 (g) and Performance Outcome PO1 of the Advertising devices code:

PO1 – Public safety

Advertising devices are designed, sited and constructed to maintain the efficient function of road infrastructure and not impede safe vehicular and pedestrian movements.

AO1.1

Advertising devices do not:

- (a) resemble traffic control devices; or
- (b) give instructions to traffic; or
- (c) resemble a hazard or warning light through colour or method of operation, if visible from a road; or
- (d) cause interference with the visibility and effectiveness of hazard or warning lights; or
- (e) encroach onto any part of a road, road reserve, pedestrian or cycle path; or
- (f) incorporate highly reflective materials and finishes; or
- (g) cause significant visual or physical obstruction of, or distraction to, vehicular or pedestrian traffic.

5. The proposed development conflicts with Acceptable Outcome AO2.1, AO2.2 and Performance Outcome PO2 of the Advertising devices code:

PO2 – Character and amenity

Advertising devices are designed and located to:

- (a) avoid visual clutter;
- (b) avoid overshadowing of adjoining premises or public places;

- (c) prevent loss of daylight or sunlight access for nearby uses;
- (d) be consistent with the built and natural character of the immediate surrounds; and
- (e) allow for the identification of premises, uses and business.

AO2.1

Advertising devices:

- (a) do not move, revolve, strobe or flash;
- (b) are not painted or erected on a roof (excluding awnings) or structure (such as a silo or tank);
- (c) do not incorporate overt or explicit language or visual content that is likely to be offensive to the general public;
- (d) primarily advertise a business and/or commercial premises rather than products;
- (e) are located on the property to which the advertising relates;
- (f) do not protrude above the roofline or parapet; and are limited to those devices identified in **Table 9.4.1.3B**

AO2.2

The number, type and design of advertising devices complies with **Table 9.4.1.3D**.

6. The proposed development conflicts with Acceptable Outcome AO4 and Performance Outcome PO4 of the Advertising devices code:

PO4

Freestanding advertising devices, where located on land fronting a state-controlled road, are appropriately located and designed to:

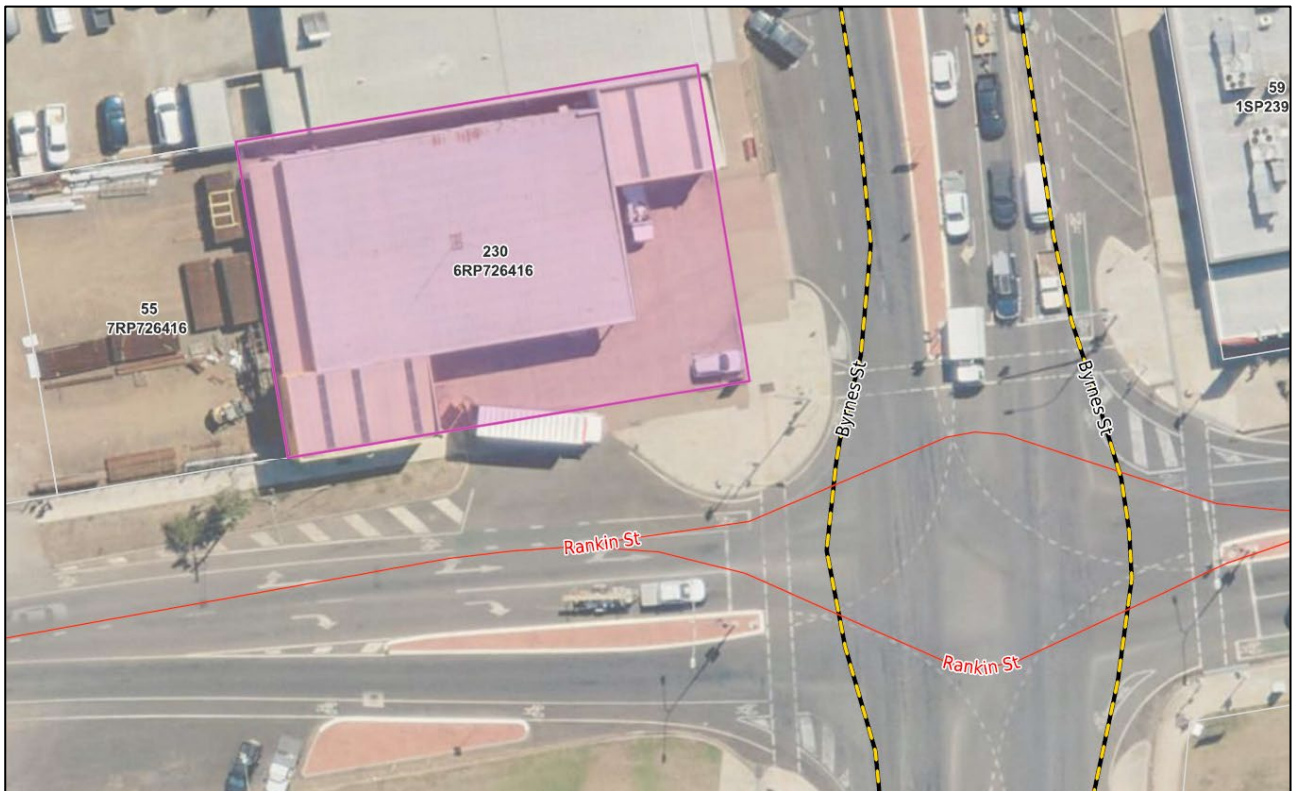
- (a) not impact on the safety and efficiency of the state controlled road network; and
- (b) preserve rural character and landscape values.

AO4

Freestanding advertising devices:

- (a) have a maximum sign face area of 18m² and a maximum sign face width of 6 metres;
- (b) are sited a minimum of 1 kilometre from all existing freestanding advertising devices whether or not they are on the same side of the road;
- (c) are of a design and colour that is compatible with existing adjacent development; and
- (d) are only located on properties with frontage to either side of the sections of State-controlled road identified in **Table 9.4.1.3C**.

7. There are not sufficient town planning grounds, or an overriding need in terms of benefit to the community to justify approval of the application despite these identified conflicts.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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THE SITE

The subject site is situated in the north-west corner of the signalled intersection of Byrnes and Rankin Streets at 230 Byrnes Street, Mareeba and is more particularly described as Lot 6 on RP726416. The site currently accommodates the Dunlop Tyre Centre (formerly Beaurepaires). The site includes an access from Rankin Street on its southern boundary and an exit only onto Byrnes Street on its eastern boundary. The land is situated within the Centre zone under the Mareeba Shire Council Planning Scheme 2016.

The built form associated with the tyre repair business covers approximately 70% of the site built to the north and west boundaries. The remaining 30% of the site is concrete sealed forecourt.

All surrounding land is situated within the Centre zone. Commercial offices exist on the northern adjoining allotment including Centrelink, while land to the west of the site is used as by Home Hardware as an outdoor storage yard for building and construction materials.

BACKGROUND AND CONTEXT

Nil

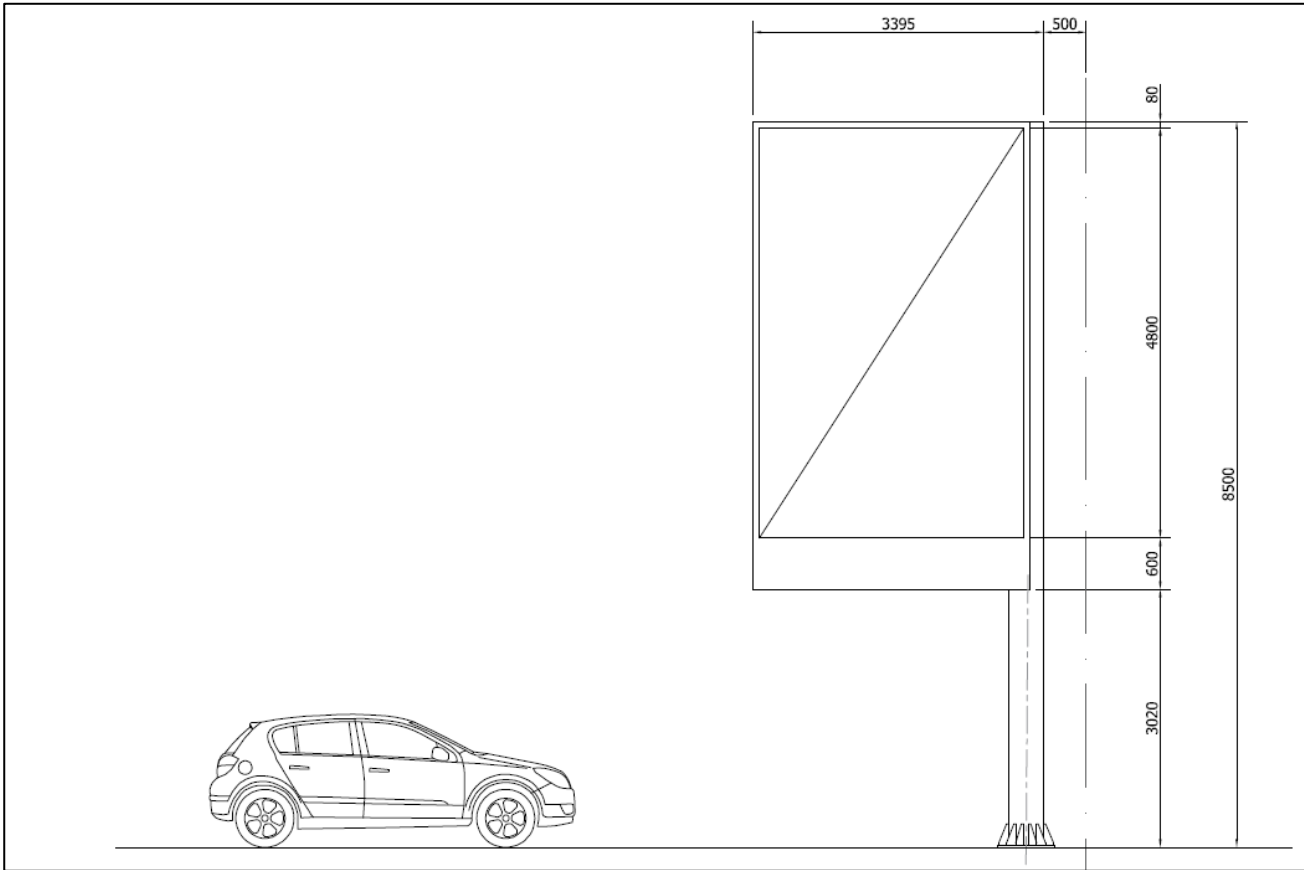
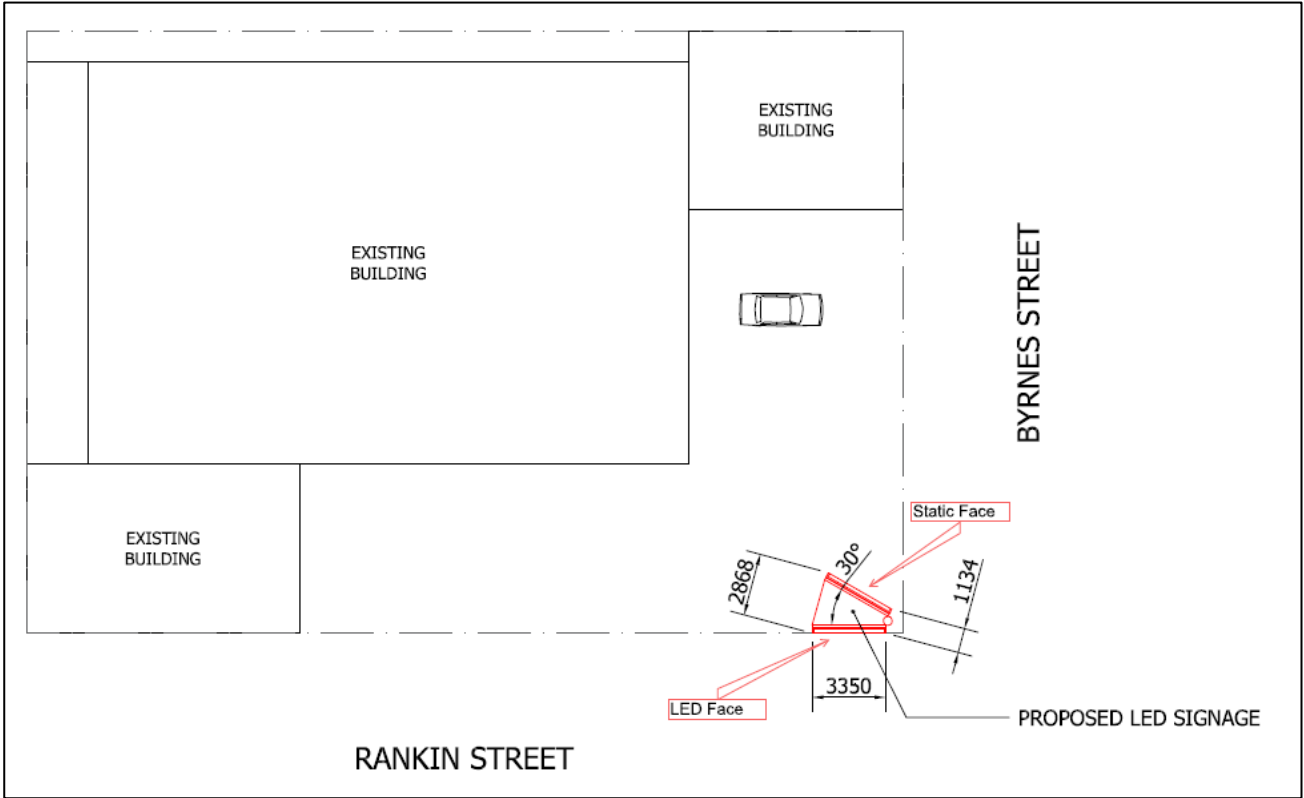
PREVIOUS APPLICATIONS & APPROVALS

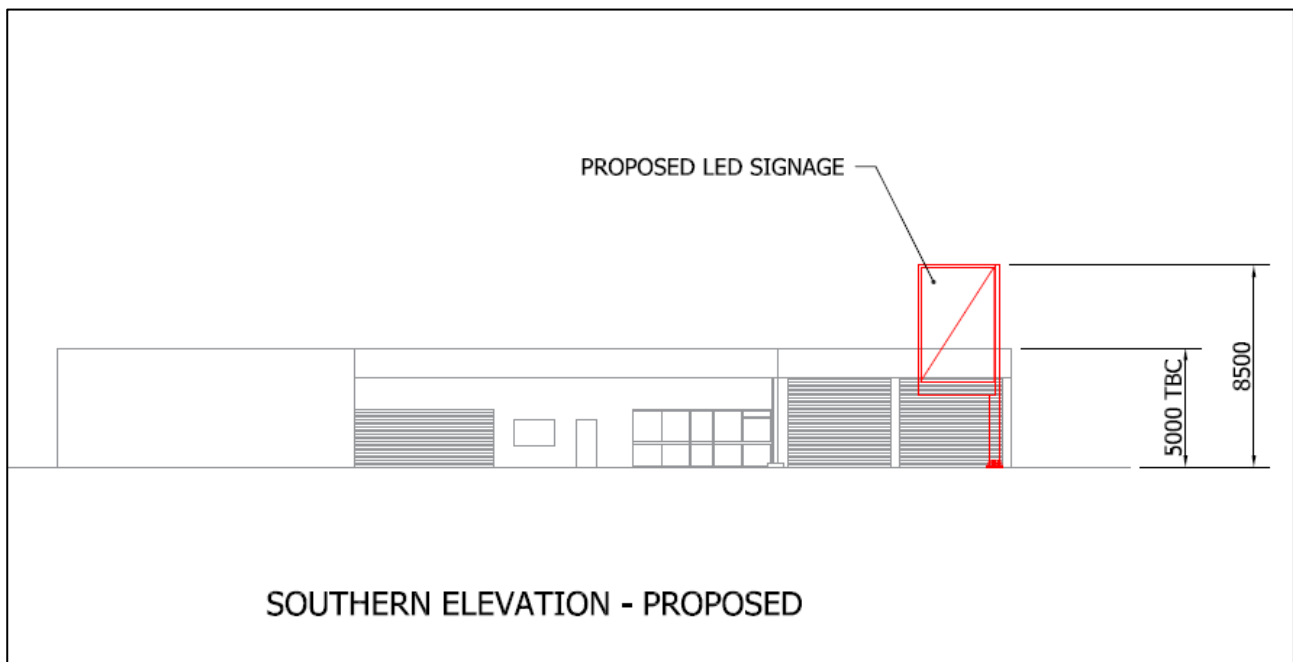
Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Operational Works – Advertising Device (Freestanding Sign) in accordance with the plans shown below and included as **Attachment 1**.

The south-facing sign face will be digital (LED) with simultaneous changing advertising material. The north-facing sign face will be static and non-digital (doesn't change). The signage will be mounted on a large monopole and sited in the south-east corner of the site, closest to the Byrnes/Rankin Street signalised intersection (traffic lights).





REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The site contains no areas of ecological significance.

PLANNING SCHEME DESIGNATIONS

| | |
|----------------------|--|
| Strategic Framework: | Land Use Categories <ul style="list-style-type: none"> Centre Area Transport Elements <ul style="list-style-type: none"> State Controlled Road Local Collector Road B-double Route Principal Cycle Routes |
| Zone: | Centre zone |
| Overlays: | Airport Environs Overlay Transport Infrastructure Overlay |

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

Mareeba Shire Council Planning Scheme 2016

Relevant Developments Codes

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.1 Centre zone code
- 8.2.2 Airport environs overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.4.1 Advertising devices code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application does not satisfy some of the relevant acceptable/performance outcomes contained within the relevant development codes as set out in the below table.

| Relevant Codes | Comments |
|---------------------------------------|--|
| Centre zone code | The application conflicts with Performance Outcome PO6 and PO8 of the Centre zone code. All other Acceptable Outcomes/Performance Outcomes can be satisfied. Refer to planning discussion section of report for further commentary. |
| Advertising devices code | The application conflicts with Overall outcomes (a), (b), (c), (d) and (h), as well as PO1/AO1, PO2/AO2.1/AO2.2, and PO4/AO4 of the Advertising devices code. All other Acceptable Outcomes/Performance Outcomes can be satisfied. Refer to planning discussion section of report for further commentary. |
| Airport environs overlay code | The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. |
| Transport Infrastructure overlay code | The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. |

Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual:

A condition will be attached to any approval requiring compliance with Planning Scheme Policy 4.

Planning Scheme Policy 10 – Advertising Devices with an Electronic Display Component:

An officer assessment of the proposed advertising device (electronic component) has found that the proposed freestanding electronic sign either complies or can be conditioned to achieve compliance with Planning Scheme Policy 10.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Third Party Advice

The application was referred to the Department of Transport and Main Roads for third party advice.

That Departments Third Party Advice is included as **Attachment 4**.

Internal/External Consultation

Internal:

Technical Services Department (Development Engineering/traffic and pedestrian safety)

External:

NJM Engineering Consulting (RPEQ third party review of traffic safety assessment – **Attachment 3**)

PLANNING DISCUSSION

The proposed development's noncompliance with assessment benchmarks contained within the Centre zone code and Advertising devices code are summarised as follows:

Conflicts with the Centre zone code

- **PO6**
Development complements and integrates with the established built character of the Centre zone, having regard to:
 - (a) roof form and pitch;
 - (b) eaves and awnings;
 - (c) building materials, colours and textures; and
 - (d) window and door size and location.
- **PO8 – Amenity**
Development must not detract from the amenity of the local area, having regard to:
 - (a) noise;
 - (b) hours of operation;
 - (c) traffic;
 - (d) advertising devices;**
 - (e) visual amenity;**
 - (f) privacy;
 - (g) lighting;

- (h) odour; and
- (i) emissions.

Comment

The application proposes the construction of a double-sided freestanding advertising sign with sign face dimensions of 3.4m x 4.8m (16.3m²). The south-facing sign face will be digital with changing displays while the north-facing sign face will remain static. The freestanding sign will be mounted on a monopole 3 metres above ground level, achieving a total height of 8.5 metres. The sign will be approximately 3.5 metres higher than the existing built form on the site.

The proposed freestanding sign will be situated in the south-east corner of the site closest to the existing traffic lights, clearly and deliberately separated from the existing built form on-site. It could only be assumed that this particular location was chosen to increase the visibility of the sign by placing it as close to traffic as possible. Advertising signs are inherently designed to attract attention, particularly digital signs. The sign will dominate the immediate locality, particularly considering its sign face area and height, and the forever changing digital LED lit sign face will continue to draw the attention of anyone in the immediate vicinity with new advertising media (as is its intention).

The proposed advertising device will not compliment or integrate with the established built form or character in the immediate vicinity and is therefore in conflict with PO6 and PO8.

Conflicts with the Advertising devices code

- **9.4.1.2 Purpose**

- (1) The purpose of the Advertising devices code is to regulate the location, siting, number, content and design requirements for advertising devices to protect the visual character and amenity of the urban and rural areas of the region, whilst supporting the promotion of business and enterprise.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) **Advertising devices are designed, sited and integrated so that they do not detract from the existing character and amenity of an area and contribute to a coherent and harmonious streetscape;**
 - (b) **Advertising devices are of a scale, dimension and quality to minimise adverse visual impacts;**
 - (c) **Advertising devices do not result in visual clutter;**
 - (d) **Advertising devices do not impact on pedestrian or road safety and do not obscure the view of any official traffic, safety or information sign;**
 - (e) Advertising devices are constructed and maintained to ensure a high standard of public safety through structural integrity, design and construction;
 - (f) Advertising devices primarily provide, clear and effective identification of business and commercial premises, community uses and events with limited product advertising;
 - (g) In the Rural zone advertising devices are limited to maintain the landscape character of the area; and
 - (h) **Billboards are limited to identified localities.**

Comment

Advertising signs are inherently designed to attract attention, particularly digital signs. The sign will dominate the immediate locality, particularly considering its sign face area and height, and the forever changing digital sign face will continue to draw the attention of anyone in the immediate vicinity with new advertising media (as is its intention). The proposed freestanding sign, particularly the digital sign face will not be consistent with the built and natural character of the immediate surrounds. The Byrnes/Rankin Street intersection is perhaps the most significant intersection in the Mareeba Township, with approximately 15 traffic light/pedestrian signals on individual poles. The proposed freestanding sign will only add to visual clutter at this location, particularly of an evening/nighttime when the traffic signals and sign faces will appear brighter.

As discussed in further detail below (PO1 – Public safety), the sign is likely to increase levels of driver distraction to a degree that would impact on the safety of vehicles and pedestrians using the Byrnes/Rankin Streets signalised intersection. The proposed signage, with a sign face area of over 16m² is essentially a billboard and is situated outside the mapped localities considered suitable for billboard signage.

The proposed development conflicts with Overall Outcomes (a), (b), (c), (d) and (h).

- **PO1 – Public safety**

Advertising devices are designed, sited and constructed to maintain the efficient function of road infrastructure and not impede safe vehicular and pedestrian movements.

AO1.1

Advertising devices do not:

- (a) resemble traffic control devices; or
- (b) give instructions to traffic; or
- (c) resemble a hazard or warning light through colour or method of operation, if visible from a road; or
- (d) cause interference with the visibility and effectiveness of hazard or warning lights; or
- (e) encroach onto any part of a road, road reserve, pedestrian or cycle path; or
- (f) incorporate highly reflective materials and finishes; or
- (g) cause significant visual or physical obstruction of, or distraction to, vehicular or pedestrian traffic.

Comment

The application material (response to Council's Information Request) included a Traffic Engineering Assessment prepared by Pekol Traffic and Transport (**Attachment 2**). The Traffic Engineering Assessment concluded the following:

"The proposed device is located wholly within the bounds of the property, and therefore would not obstruct passage to pedestrians, cyclist and motorists. The proposed device is located within a restriction notice area as defined by TMR's RAM. However, the proposed device complies with all other location criteria included in the RAM. Given that the proposed device does not appear behind any primary traffic signals at the ASD on approach to the intersection, it is our view that the proposed device will not pose as a significant distraction or unacceptable risk to traffic safety and operations."

The subject site fronts the State controlled Byrnes Street. Although no formal referral to the State Assessment Referral Agency exists for advertising devices, Council officers sought advice from the

Department of Transport and Main Roads (DTMR) outside the standard referral process. DTMR's advice is included as **Attachment 4** and includes the following:

"The department has assessed the proposed development and offers the following advice against the current TMR Roadside Advertising Manual (RAM) Edition 4 dated December 2022 with respect to the application:

- a) The size of the proposed digital advertising device has been shown on the submitted drawings as 8.50m x 3.4m, approximately 18.63m². Sign face is 3.4m x 5.08m. This assessment has therefore been undertaken as billboard >4m² (Typically Portrait size).*
- b) In this instance the location of the proposed device falls within a Restriction Notice Area (within 45m of the signalised intersection).*

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.*

In consideration of the above advice received from DTMR and in the interest of public safety, Council officers sought advice from a third-party consulting engineer (RPEQ) with a background in traffic engineering (**Attachment 3**). The third-party consulting engineer's advice included the following information and conclusion:

"Advertising signs are inherently designed to attract attention, increasing the likelihood of a driver being distracted. Signalised intersections in particular are high-risk areas where driver attention is critical. Placing a digital billboard near such locations could compromise driver awareness and concentration, potentially delaying reactions and increasing crash risks.

Research consistently shows that digital billboards are more distracting than traditional static signs. Their larger size and dynamic displays significantly prolong driver attention, creating more opportunities for distraction. This is a critical concern, as driver distraction is widely recognized as a major road safety issue.

At intersections, distractions that reduce driver focus can impair the ability to respond promptly to changing conditions, such as traffic light changes, pedestrian crossings, or the actions of other road users. For example, a distracted driver might fail to notice a vehicle slowing to turn or give-way to pedestrians, increasing the likelihood of conflict."

"Conclusion

Given the factors outlined above, the installation of a digital advertising sign at this location has the potential to negatively impact road safety. Therefore, in the interest of public safety, it is important that the guidelines of the Roadside Advertising Manual be upheld and that the electronic billboard not be located within the Restriction Notice Area defined in the manual."

In response to Council's third-party consulting engineer's advice, the applicants traffic engineers (Pekol Traffic & Transport Engineering) provided a rebuttal to this advice which is included as **Attachment 5**. This advice concluded the following:

"Conclusions

We have reviewed the NJM Engineering Consulting assessment of our report (dated 30 August 2024) in relation to a proposed digital advertising device located at 230 Byrnes Street, Mareeba. We maintain that the proposed advertising device will not pose an unacceptable safety risk because:

- (a) the proposed device would be located in a low speed (40km/h) environment;*
- (b) the adjacent Byrnes Street / Rankin Street intersection is not a complex intersection, as all turns are fully controlled (ie no filtered left or right turn movements);*
- (c) the subject device would be in the background to the primary signal lanterns at the nearby Byrnes Street / Rankin Street intersection;*
- (d) all of the signal lanterns at the Byrnes Street / Rankin Street intersection are fitted with target boards;*
- (e) the location of the proposed device complies with all the locational criteria detailed in DTMR's RAM, apart from being within a RNA;*
- (f) the adjacent Byrnes Street / Rankin Street intersection has a low crash rate;*
- (g) drivers will have already transitioned to the lower 40km/h speed limit on Byrnes Street well before viewing the device and before reaching the Byrnes Street / Rankin Street intersection;*
- (h) drivers travelling north on Byrnes Street would have ample time to observe and react to a car manoeuvring to/from the closest on-street parking space after losing sight of the proposed device;*
- (i) the proposed device is located outside of the section of Byrnes Street with on-street parking that exhibits a high historic crash rate;*
- (j) there is no requirement for cyclists to merge into the northbound traffic lane on Byrnes Street; and*
- (k) the device provides adequate advance visibility for vehicles approaching from the northbound and southbound directions on Byrnes Street."*

In considering of the advice sought from, TMR, Council's consulting third-party engineer as well as Pekol Traffic & Transport Engineering's rebuttal arguments and conclusions, Councils Planning and Technical Services officers still consider that the development will conflict with AO1.1 (g) and PO1.

It is also considered that there are other more suitable locations along the State controlled roads leading in and out of Mareeba that could accommodate a large digital advertising device, and which would have similar levels of exposure without the vehicle and pedestrian safety risk introduced at this particular location.

- **PO2 – Character and amenity**

Advertising devices are designed and located to:

- (a) avoid visual clutter;
- (b) avoid overshadowing of adjoining premises or public places;
- (c) prevent loss of daylight or sunlight access for nearby uses;
- (d) be consistent with the built and natural character of the immediate surrounds;
and
- (e) allow for the identification of premises, uses and business.

AO2.1

Advertising devices:

- (a) do not move, revolve, strobe or flash;
- (b) are not painted or erected on a roof (excluding awnings) or structure (such as a silo or tank);
- (c) do not incorporate overt or explicit language or visual content that is likely to be offensive to the general public;
- (d) primarily advertise a business and/or commercial premises rather than products;
- (e) are located on the property to which the advertising relates;
- (f) do not protrude above the roofline or parapet; and are limited to those devices identified in **Table 9.4.1.3B**

AO2.2

The number, type and design of advertising devices complies with **Table 9.4.1.3D**.

Comment

The proposed freestanding sign does not comply with Acceptable Outcomes AO2.1 (e) and (f) as neither the digital (LED) sign face or the static sign face will not advertise the Dunlop tyre shop situated on the subject site. Additionally, the development does not comply with AO2.2 because the freestanding sign will protrude above the roofline/parapet by approximately 3.5 metres and will exceed the 6m² sign face area limit set by Table 9.4.1.3D. Assessment is therefore required against Performance Outcome PO2.

(a) avoids visual clutter – The proposed freestanding sign will be situated in the south-east corner of the site closest to the existing traffic lights, clearly and deliberately separated from the existing built form on-site. It could only be assumed that this particular location was chosen to increase the visibility of the sign by placing it as close to traffic as possible. Advertising signs are inherently designed to attract attention, particularly digital signs. The Byrnes/Rankin Street intersection is perhaps the most significant intersection in the Mareeba Township, with approximately 15 traffic light/pedestrian signals on individual poles. The proposed freestanding sign will only add to visual clutter at this location. The development conflicts with criteria (a).

(b) overshadowing of adjoining premises or public places – The proposed freestanding sign is of a significant scale however will not impact on adjoining premises or public places as a result of overshadow. The development complies with criteria (b).

(c) prevent loss of daylight or sunlight access for nearby uses - The proposed freestanding sign is of a significant scale however will not prevent a loss of daylight or sunlight to any nearby use. The development complies with criteria (c).

(d) be consistent with the built and natural character of the immediate surrounds - The proposed freestanding sign will be situated in the south-east corner of the site closest to the existing traffic lights, clearly and deliberately separated from the existing built form on-site. It could only be assumed that this particular location was chosen to increase the visibility of the sign by placing it as close to traffic as possible. Advertising signs are inherently designed to attract attention, particularly digital signs. The sign will dominate the immediate locality, particularly considering its sign face area and height, and the forever changing digital LED lit sign face will continue to draw the attention of anyone in the immediate vicinity with new advertising media (as is its intention). The proposed freestanding sign, particularly the digital sign face will not be consistent with the built and natural character of the immediate surrounds and therefore fails to comply with criteria (d).

(e) allow for the identification of premises, uses and business – The proposed advertising device will help provide exposure for premises, uses and business in the locality, particularly those located away from the CBD that may lack exposure. The development complies with criteria (e).

The proposed advertising device conflicts with PO2 (a) and (d).

- **PO4**

Freestanding advertising devices, where located on land fronting a state-controlled road, are appropriately located and designed to:

- (a) not impact on the safety and efficiency of the state-controlled road network; and
- (b) preserve rural character and landscape values.

AO4

Freestanding advertising devices:

- (a) have a maximum sign face area of 18m² and a maximum sign face width of 6 metres;
- (b) are sited a minimum of 1 kilometre from all existing freestanding advertising devices whether or not they are on the same side of the road;
- (c) are of a design and colour that is compatible with existing adjacent development; and
- (d) are only located on properties with frontage to either side of the sections of State-controlled road identified in **Table 9.4.1.3C**.

Comment

The proposed freestanding sign conflicts with Acceptable Outcomes AO4 (b) and (d) as the sign is situated within one (1) kilometre of existing freestanding signage (Mobil service station and Mareeba Square pylon signage) and is situated well outside those areas identified in Table 9.4.1.3C. Assessment is therefore required against higher order Performance Outcome PO4.

The application material (response to Council's Information Request) included a Traffic Engineering Assessment prepared by Pekol Traffic and Transport (**Attachment 2**). The Traffic Engineering Assessment concluded the following:

"The proposed device is located wholly within the bounds of the property, and therefore would not obstruct passage to pedestrians, cyclist and motorists. The proposed device is located within a restriction notice area as defined by TMR's RAM. However, the proposed device complies with all other location criteria included in the RAM. Given that the proposed device does not appear behind any primary traffic signals at the ASD on approach to the intersection, it is our view that the proposed device will not pose as a significant distraction or unacceptable risk to traffic safety and operations."

The subject site fronts the State controlled Byrnes Street. Although no formal referral to the State Assessment Referral Agency exists for advertising devices, Council officers sought advice from the Department of Transport and Main Roads (DTMR) outside the standard referral process. DTMR third party advice is included as **Attachment 4** and includes the following advice:

"The department has assessed the proposed development and offers the following advice against the current TMR Roadside Advertising Manual (RAM) Edition 4 dated December 2022 with respect to the application:

- a) The size of the proposed digital advertising device has been shown on the submitted drawings as 8.50m x 3.4m, approximately 18.63m². Sign face is 3.4m x 5.08m. This assessment has therefore been undertaken as billboard >4m² (Typically Portrait size).*

- b) *In this instance the location of the proposed device falls within a Restriction Notice Area (within 45m of the signalised intersection).*

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."*

In consideration of the above advice received from DTMR and in the interest of public safety, Council officers sought advice from a third-party consulting engineer (RPEQ) with a background in traffic engineering (**Attachment 3**). The third-party consulting engineer's advice included the following information and conclusions:

"Advertising signs are inherently designed to attract attention, increasing the likelihood of a driver being distracted. Signalised intersections in particular are high-risk areas where driver attention is critical. Placing a digital billboard near such locations could compromise driver awareness and concentration, potentially delaying reactions and increasing crash risks.

Research consistently shows that digital billboards are more distracting than traditional static signs. Their larger size and dynamic displays significantly prolong driver attention, creating more opportunities for distraction. This is a critical concern, as driver distraction is widely recognized as a major road safety issue.

At intersections, distractions that reduce driver focus can impair the ability to respond promptly to changing conditions, such as traffic light changes, pedestrian crossings, or the actions of other road users. For example, a distracted driver might fail to notice a vehicle slowing to turn or give-way to pedestrians, increasing the likelihood of conflict."

"Conclusion

Given the factors outlined above, the installation of a digital advertising sign at this location has the potential to negatively impact road safety. Therefore, in the interest of public safety, it is important that the guidelines of the Roadside Advertising Manual be upheld and that the electronic billboard not be located within the Restriction Notice Area defined in the manual."

In response to Council's third-party consulting engineer's advice, the applicants traffic engineers (Pekol Traffic & Transport Engineering) provided a rebuttal to this advice which is included as **Attachment 5**. This advice concluded the following:

"Conclusions

We have reviewed the NJM Engineering Consulting assessment of our report (dated 30 August 2024) in relation to a proposed digital advertising device located at 230 Byrnes Street, Mareeba. We maintain that the proposed advertising device will not pose an unacceptable safety risk because:

- (a) *the proposed device would be located in a low speed (40km/h) environment;*
- (b) *the adjacent Byrnes Street / Rankin Street intersection is not a complex intersection, as all turns are fully controlled (ie no filtered left or right turn movements);*
- (c) *the subject device would be in the background to the primary signal lanterns at the nearby Byrnes Street / Rankin Street intersection;*

- (d) *all of the signal lanterns at the Byrnes Street / Rankin Street intersection are fitted with target boards;*
- (e) *the location of the proposed device complies with all the locational criteria detailed in DTMR's RAM, apart from being within a RNA;*
- (f) *the adjacent Byrnes Street / Rankin Street intersection has a low crash rate;*
- (g) *drivers will have already transitioned to the lower 40km/h speed limit on Byrnes Street well before viewing the device and before reaching the Byrnes Street / Rankin Street intersection;*
- (h) *drivers travelling north on Byrnes Street would have ample time to observe and react to a car manoeuvring to/from the closest on-street parking space after losing sight of the proposed device;*
- (i) *the proposed device is located outside of the section of Byrnes Street with on-street parking that exhibits a high historic crash rate;*
- (j) *there is no requirement for cyclists to merge into the northbound traffic lane on Byrnes Street; and*
- (k) *the device provides adequate advance visibility for vehicles approaching from the northbound and southbound directions on Byrnes Street."*

In considering of the advice sought from, TMR, Council's consulting third-party engineer as well as Pekol Traffic & Transport Engineering's rebuttal arguments and conclusions, Councils Planning and Technical Services Officers still consider that the development conflicts with PO4 (a).

It is also considered that there are other more suitable locations along the State controlled roads leading in and out of Mareeba that could accommodate a large digital advertising device, and which would have similar levels of exposure without the vehicle and pedestrian safety risk introduced at this particular location.

Council Officer Conclusion

The proposed freestanding sign will be inconsistent with the built and natural character of other structures in the immediate vicinity with the sign likely to dominate the streetscape due to its sheer size, location, separation from other built form and illuminated digital element. Additionally, the sign is likely to increase levels of driver distraction to a degree that would impact on the safety of vehicles and pedestrians using the Byrnes/Rankin Streets signalised intersection.

Although it is acknowledged that the proposed advertising signage may provide a benefit to businesses within the region as an additional source of advertising exposure, there is not considered to be an overriding need in terms of benefit to the broader community, particularly considering the high volumes of both vehicular and pedestrian traffic (ranging from school children to the elderly) that use the Byrnes/Rankin Street intersection daily who may be affected by additional driver distraction.

It is also considered that there are other more suitable locations along the State controlled roads leading in and out of Mareeba that could accommodate a large digital advertising device, and which would have similar levels of exposure without the vehicle and pedestrian safety risk introduced at this particular location. It is therefore recommended that the application be refused.