



20 March 2025

Planning Officer: Carl Ewin
Direct Telephone: 07 4086 4656
Our Reference: OPW/24/0006
Your Reference: MSC-DA001-24

Paradise Outdoor Advertising
C/- BNC Planning
PO Box 5493
TOWNSVILLE QLD 4810

Dear Applicants,

Decision Notice Refusal

Planning Act 2016

I refer to your application and advise that on 19 March 2025, Council decided to refuse the application.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	OPW/24/0006
Street Address:	230 Byrnes Street, Mareeba
Real Property Description:	Lot 6 on RP726416
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Refused
Type of Application:	Operational Works – Advertising Device (Freestanding Sign)
Date of Decision:	19 March 2025

REASONS FOR REFUSAL**(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.

REFERRAL AGENCIES

Not Applicable.

SUBMISSIONS

Not Applicable.

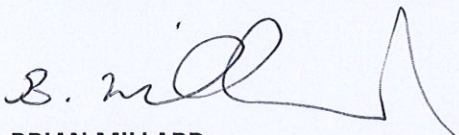
RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au , or at Council Offices.

Yours faithfully



BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

Enc Appeal Rights