Assessment of application against relevant Development Codes

APPLICATION DETAILS

APPLICATION		PRE	MISES
FILE NO:	OPW/18/0004	ADDRESS:	26 Pike
			Road,
			Mareeba
APPLICANT:	Tableland Group	RPD:	Lot 257 on
	Australia Pty Ltd		SP257003
LODGED BY:	Tableland Group	AREA:	2.643
	Australia Pty Ltd		hectares
DATE LODGED:	9 April 2018	OWNER:	J Williams
TYPE OF APPROVAL:	Development Permi	t	
PROPOSED DEVELOPMENT:	Operational Work	s - Adver	tising Device
	(Billboard)		
PLANNING SCHEME:	Mareeba Shire Cou	ncil Planning	Scheme - July
	2016		
ZONE:	Rural		
LEVEL OF	Code Assessment		
ASSESSMENT:			
SUBMISSIONS:	N/A		

Relevant Development Codes

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

- 6.2.9 Rural zone code
- 9.4.1 Advertising devices code

6.2.9 Rural zone code

6.2.9.1 Application

- (1) This code applies to assessing development where:
 - (a) located in the Rural zone; and
 - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

6.2.9.2 Purpose

- (1) The purpose of the Rural zone code is to:
 - (a) provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;
 - (b) provide opportunities for non-rural uses that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;
 - (c) protect or manage significant natural resources and processes to maintain the capacity for primary production.
- (2) Mareeba Shire Council's purpose of the Rural zone code is to recognise the importance of primary production to the economy of the region and to maintain and strengthen the range of primary industries which contribute to the rural economy.

The purpose of the Rural zone code is to:

- (a) recognise the diversity of rural uses that exists throughout the region;
- (b) protect the rural character of the region;
- (c) provide facilities for visitors and tourists that are accessible and offer a unique experience;
- (d) protect the infrastructure of the Mareeba-Dimbulah Irrigation Scheme Area from development which may compromise long term use for primary production;
- (e) maintain distinct boundaries between the rural areas and the villages, towns and urban areas of the region;
- (f) provide for a range of uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities;
- (g) prevent adverse impacts of development on ecological values;
- (h) preserve land in large holdings; and
- (i) facilitate the protection of strategic corridors across the landscape which link remnant areas of intact habitat and transport corridors.
- (3) The purpose of the Rural zone code will be achieved through the following overall outcomes:
 - (a) Areas for use for primary production are conserved and fragmentation below economically viable lot sizes is avoided;
 - (b) The establishment of a wide range of rural pursuits is facilitated, including cropping, intensive horticulture, forestry, intensive animal industries, animal husbandry and animal keeping and other compatible primary production uses;
 - (c) The establishment of extractive industries, mining and associated activities and alternative forms of energy generation is appropriate where environmental impacts and land use conflicts are minimised;
 - (d) Uses that require isolation from urban areas as a consequence of their impacts such as noise or odour may be appropriate where land use conflicts are minimised;

- (e) Development is reflective of and responsive to the environmental constraints of the land;
- (f) Residential and other development is appropriate only where directly associated with the rural nature of the zone;
- (g) Low-impact tourism and recreation activities do not compromise the long-term use of the land for rural purposes;
- (h) The viability of both existing and future rural uses and activities is protected from the intrusion of incompatible uses;
- (i) Visual impacts of clearing, building, materials, access ways and other aspects of development are minimised or appropriately managed;
- (j) Adverse impacts of development both on-site and from adjoining areas are avoided and any impacts are minimised through location, design, operation and management; and
- (k) Natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and separated from adjacent development.

6.2.9.3 Criteria for assessment

Table 6.2.9.3—Rural zone code - For accepted development subject to requirements and assessable development

Performance outcomes Acceptable outcomes			Complies	Comments
For accepted develop	ment subj	ect to requirements and ass	sessable dev	velopment velopment
Height				
PO1 Building height take consideration and re the following: (a) the height of ex buildings on adj premises; (b) the development	es into spects b a isting b joining (a	AO1.1 Development, other than buildings used for rural activities, has a maximum building height of: a) 8.5 metres; and b) 2 storeys above ground level.	•	Complies.
potential, with reto height, on adjoining premi (c) the height of but in the vicinity of site; (d) access to sunligand daylight for site and adjoining sites; (e) privacy and overlooking; and site area and start frontage length.	ses; a a a e si the si the ng d d reet	AO1.2 Buildings and structures associated with a rural activity including machinery, equipment, packing or atorage buildings do not exceed 10 metres in height.	n/a	Not applicable.
Siting, where not involving a Dwelling house				
Note—Where for Dwelling house, the setbacks of the Queensland Development Code apply.				

Performance outcomes	Acceptable outcomes	Complies	Comments
PO2 Development is sited in a manner that considers and respects: (a) the siting and use of adjoining premises; (b) access to sunlight and daylight for the site and adjoining sites; (c) privacy and	AO2.1 Buildings and structures include a minimum setback of: (a) 40 metres from a frontage to a Statecontrolled road; and (b) 10 metres from a boundary to an adjoining lot.	Complies with PO2	The application proposes the installation of a 6m x 3m sign face to an existing single sided advertising billboard. The additional sign face will not conflict with any aspect of performance outcome PO2 considering the majority of the structure is existing.
overlooking; (d) air circulation and access to natural breezes; (e) appearance of building bulk; and (f) relationship with road corridors.	AO2.2 Buildings and structures, where for a Roadside stall, include a minimum setback of 0 metres from a frontage to a road that is not a State-controlled road.	n/a	Not applicable.
	AO2.3 Buildings and structures, expect where a Roadside stall, include a minimum setback of: (a) 10 metres from a frontage to a sealed road that is not a State-controlled road; and (b) 100 metres from a frontage to any other road that is not a State-controlled road;	n/a	Not applicable.
Accommodation density			
PO3 The density of Accommodation activities: (a) respects the nature and density of surrounding land use; (b) is complementary and subordinate to the rural and natural landscape values of the area; and (c) is commensurate to the scale and	AO3.1 Residential density does not exceed one dwelling house per lot.	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
frontage of the site.	AO3.2 Residential density does not exceed two dwellings per lot and development is for: (a) a secondary dwelling; or (b) Caretaker's accommodation and includes building work or minor building work with a maximum gross floor area of 100m²; or (c) Rural worker's accommodation.	n/a	Not applicable.
For assessable developme	nt		
Site cover			
PO4 Buildings and structures occupy the site in a manner that: (a) makes efficient use of land; (b) is consistent with the bulk and scale of buildings in the surrounding area; and (c) appropriately balances built and natural features.	AO4 No acceptable outcome is provided.		Complies.
PO5 Development complements and integrates with the established built character of the Rural 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.	AO5 No acceptable outcome is provided.	•	Complies.

Performance outcomes	Acceptable outcomes	Complies	Comments
Amenity			
PO6 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.	AO6 No acceptable outcome is provided.		Complies - the proposed development is for the addition of 1 sign face to an existing 1 sided billboard. The additional sign face is not likely to cause amenity impact.
PO7 Development must take into account and seek to ameliorate any existing negative environmental impacts, 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.	AO7 No acceptable outcome is provided.		Complies.

9.4.1 Advertising devices code

9.4.1.1 Application

- (1) This code applies to assessing development where:
 - (a) for Advertising devices; and
 - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

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.

9.4.1.3 Criteria for assessment

Table 9.4.1.3A—Advertising devices code - For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Complies	Comments
For accepted development su	ıbject to requirements and as	sessable dev	elopment
Public safety			
PO1 Advertising devices are designed, sited and constructed to maintain the efficient function of road infrastructure and not impede safe vehicular and pedestrian movements. Character and amenity	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.		Can be conditioned to comply and will have to comply with DTMR guidelines for advertising devices.

Performa	nce outcomes	Acceptable outcomes	Complies	Comments
(a) avo of a or p (c) predoction of a or p (d) be of a imm and (e) alloo ider predoction of a or p (d) avo of a or p (d) be of a or p (e) alloo ider predoction of a or p (e) alloo ider p (e) allo ider p (e) alloo ider p (e) all	I and located to: bid visual clutter; bid overshadowing adjoining premises bublic places; vent loss of daylight sunlight access for arby uses; consistent with the lt and natural aracter of the nediate surrounds;	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 (g) are limited to those devices identified in Table 9.4.1.3B.		Can be conditioned to comply and will have to comply with DTMR guidelines for advertising devices.
		AO2.2 The number, type and design of advertising devices complies with Table 9.4.1.3D.	Complies with PO2	Despite there being 2 billboards currently constructed on the property, the proposed development is for the installation of a single sign face to an existing 1 sided billboard. No new billboard structures are proposed and the addition of the single sign face is not likely to conflict with PO2 considering the majority of the structure is existing.

Performance outcomes		Acceptable outcomes	Complies	Comments
For	assessable development			
Cha	racter and amenity			
PO3 Adve (a) (b) (c)	ertising devices are: designed and engineered to a standard that satisfies the wind classification for the particular area; appropriately secured and supported so as to cause no injury or damage to persons or property; not displayed on or attached to a tree, roadside pole or official traffic or safety sign; and appropriately separated from any electricity infrastructure.	AO3 No acceptable outcome is provided.		Can be conditioned to comply.
devidend control	estanding advertising ces, where located on fronting a state-rolled road, are ropriately located and gned to: not impact on the safety and efficiency of the state controlled road network; and preserve rural character and landscape values.	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.	Complies with PO4	The development is considered to comply with PO4 as the proposed additional sign face will be installed on an existing single sided advertising billboard.

Table 9.4.1.3B—Acceptable advertising devices

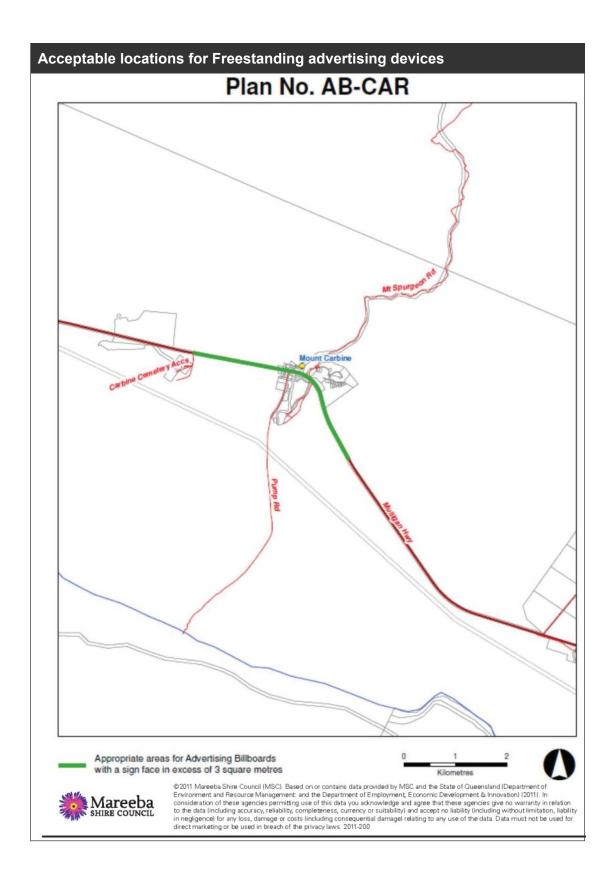
Type and definition	Example
Above awning advertising device - an advertising sign located on top of and attached to an awning or veranda.	ABOVE
Fascia advertising device - a flush advertising sign painted on, or attached to the front and/or side faces of an awning.	FASCIA FASCIA
Under awning advertising device - a flat signage panel or light-box that is suspended directly underneath an awning or verandah.	LANGER ANNING
Blind advertising device - a sign that is painted or otherwise affixed to a solid or flexible material suspended from an awning face or verandah.	BLIND

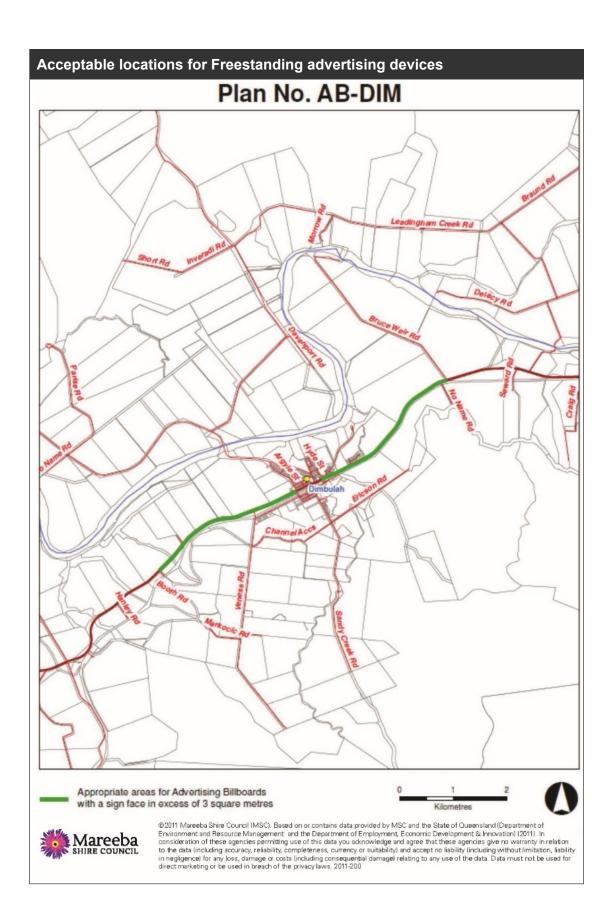
Type and definition	Example
Parapet advertising device – a sign painted on, or affixed to the architectural parapet of a building.	PARAPET
Projecting advertising device - a sign mounted at right angles to a wall or building face.	PROJECTING PROJECTING
Freestanding advertising device - a sign that comprises either a hoarding/billboard or a pylon sign which is elevated from the ground and supported by one or more columns, pylons or poles.	FREESTANDING
Fence advertising device - a sign painted on, or otherwise affixed to a fence or gate that acts as a permanent partition screen or barrier.	FENCE 2000mm

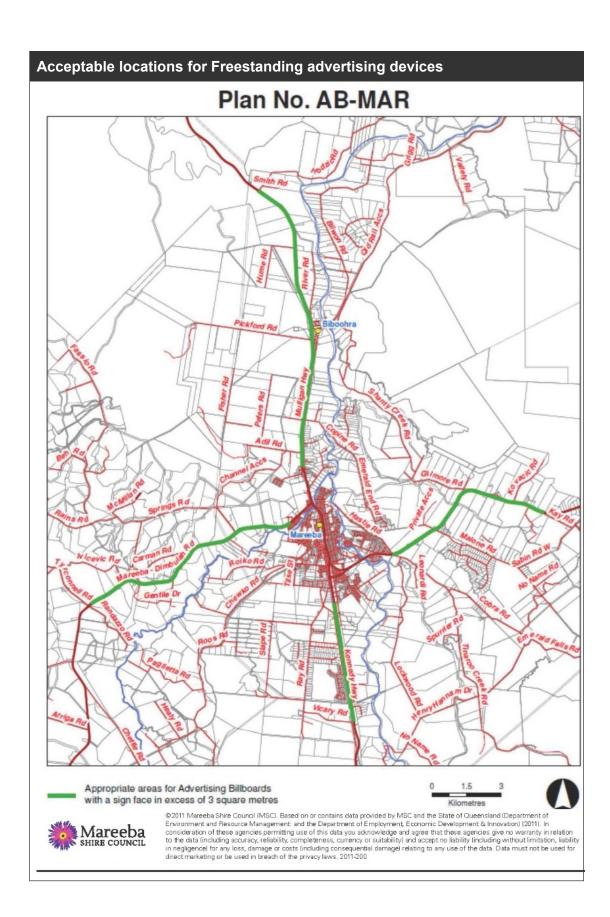
Type and definition	Example
Ground advertising device - a low-level independent sign that contains the name associated with the premises and that is erected at a driveway entrance as a permanent structure.	GROUND
Wall advertising device - a sign painted on, or otherwise affixed to a wall and confined within the limits of the wall.	WALL 999
Window advertising device - a sign painted on, or otherwise affixed to the inner or outer surface of a window. The term includes devices that are suspended from the window frame and may also be illuminated. The term does not include product displays or showcases for viewing by pedestrians.	WINCOW

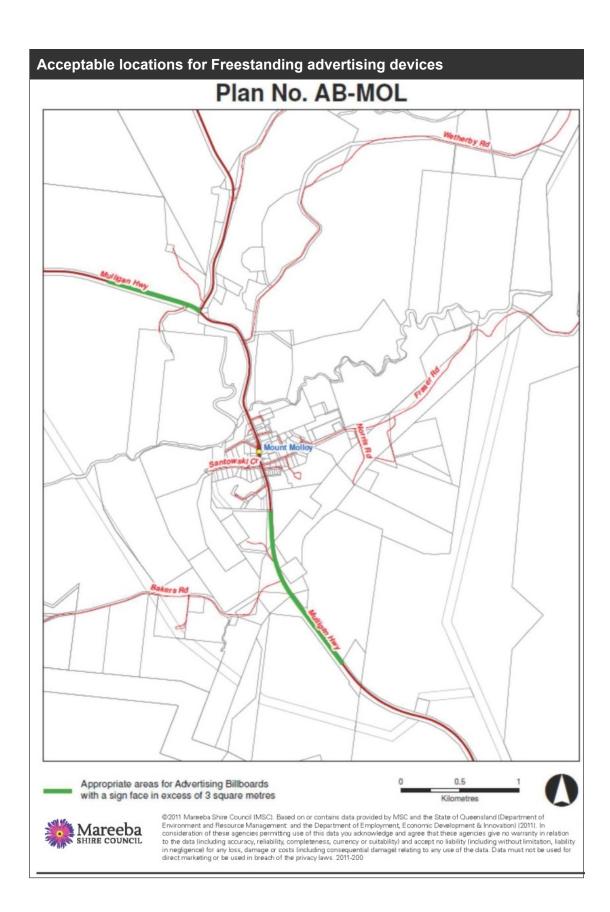
Table 9.4.1.3C—Acceptable locations for Freestanding advertising devices Acceptable locations for Freestanding advertising devices Plan No. AB-ALM Spring Valley Appropriate areas for Advertising Billboards with a sign face in excess of 3 square metres ©2011 Mareeba Shire Council (MSC). Based on or contains data provided by MSC and the State of Queensland (Department of Environment and Resource Management: and the Department of Employment, Economic Development & Innovation) (2011). In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accept 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. 2011-200 Mareeba SHIRE COUNCIL











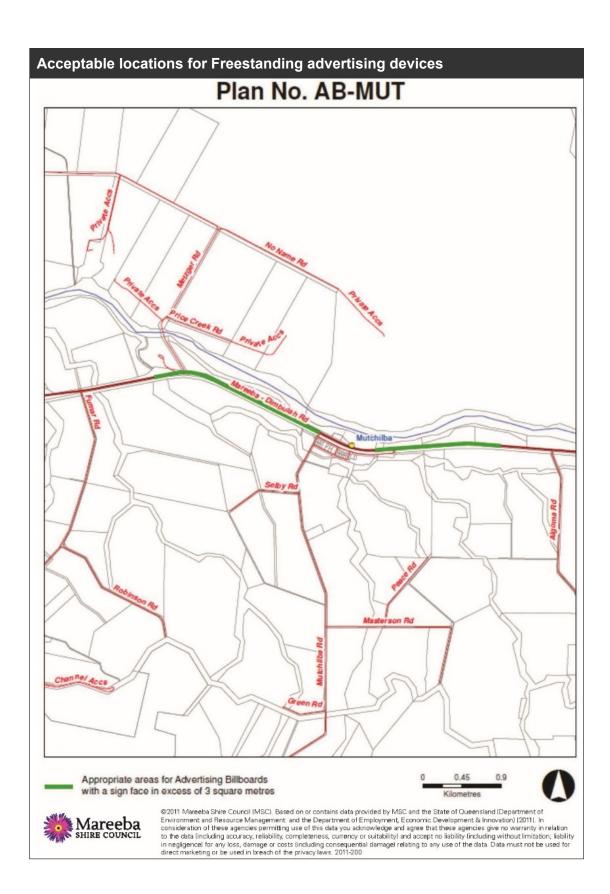


Table 9.4.1.3D—Number, Type and Design of Advertising Devices

Zone/Use	Maximum number of signs per site	Sign types	Maximum face	Design requirements
Zones				
		Above awning	-	(a) Do not exceed the height of the parapet or building roofline(b) Do not exceed the width or depth of the awning to which they are affixed
		Fascia	-	(a) Wholly contained within the outline of the awning to which they are affixed(b) Flush with the awning face
		Blind	-	 (a) Do not exceed the width of the of the awning to which they are affixed (b) Have a ground clearance of 2.4 metres between the lowest part of the sign and the footpath (c) Sited adjacent to the main building entrance (d) Flush with the awning face (e) Wholly located under the awning
		Freestanding	6m²	 (a) Located on lots greater than 1,000m² (b) No higher than buildings on the same lot or 7.5 metres (whichever is the lesser)
Centre zone	Parapet Projecting	Parapet	-	(a) Flush with the building parapet wall face(b) Wholly contained within the area of the parapet(c) Have a sign face of no more than maximum of 40% of the available parapet area
		2.5m²	 (a) Limited to one sign per road frontage (b) Do not project greater than 1.5 metres from the building or structure to which they are affixed; (c) Do not exceed the height of the building or structure to which they are affixed 	
		Under awning	-	 (a) Limited to one sign per road frontage (b) Do not exceed 75% of the width of the awning to which the sign is affixed (c) Have a maximum length of 2.5 metres (d) Have a minimum ground clearance of 2.4 metres between the lowest part of the sign and the footpath (e) Positioned in the centre of the awning and are perpendicular to the building face of the premises

Zone/Use	Maximum number of signs per site	Sign types	Maximum face	Design requirements
		Wall	2.5m²	 (a) Wholly contained within the outline of the wall to which they are affixed (b) Flush with the face of the wall (c) limited to one sign per road frontage for each tenant (d) No more than 50% of available wall space is covered by existing and proposed signage (e) At least one side has a minimum length of 600mm
		Window	-	(a) Wholly contained within the window area(b) No more than 50% of available window space is covered by existing and proposed signage
		All signs	-	 (a) If illuminated, light spillage from advertising devices is minimised in accordance with AS4282 (as amended).
		Above awning	-	(a) Do not exceed the height of the parapet or building roofline(b) Do not exceed the width or depth of the awning to which they are affixed
		Blind	1.5m²	 (a) Do not exceed the width of the of the awning to which they are affixed (b) Have a ground clearance of 2.4 metres between the lowest part of the sign and the footpath (c) Sited adjacent to the main building entrance (d) Flush with the awning face (e) Wholly located under the awning
		Fascia	-	(a) Wholly contained within the outline of the awning to which they are affixed(b) Flush with the awning face
Community facilities zone	3	Fence	2.5m ²	(a) Located wholly within the premises facing the road frontage(s) of the site
racilities zone		Freestanding	6m²	 (a) Located on lots greater than 1,000m² (b) No higher than buildings on the same lot or 7.5 metres (whichever is the lesser)
		Ground	5m ²	(a) Maximum height of 1.5 metres
		Parapet	-	(a) Flush with the building parapet wall face(b) Wholly contained within the area of the parapet(c) Sign face of no more than a maximum of 40% of the available parapet area
		Projecting	2.5m ²	 (a) Limited to one sign per road frontage (b) Do not project greater than 1.5 metres from the building or structure to which they are affixed (c) Do not exceed the height of the building or structure to which they are affixed

Zone/Use	Maximum number of signs per site	Sign types	Maximum face	Design requirements
		Under awning	-	 (a) Limited to one sign per road frontage (b) Do not exceed 75% of the width of the awning to which the sign is affixed with the maximum length being 2.5 metres (c) Have a minimum ground clearance of 2.4 metres between the lowest part of the sign and the footpath (d) Positioned in the centre of the awning and are perpendicular to the building face of the premises
		Wall	2.5m²	 (a) Wholly contained within the outline of the wall to which they are affixed (b) Flush with the face of the wall (c) No more than 50% of available wall space is covered by existing and proposed signage (d) Limited to one sign per road frontage for each tenant (e) Have at least one side with a minimum length of 600mm
		Window	-	(a) Wholly contained within the window area(b) No more than 50% of available window space is covered by existing and proposed signage
		All signs	_	 (a) If illuminated, light spillage from advertising devices is minimised in accordance with AS4282 (as amended).
		Fence	2.5m ²	(a) Located wholly within the premises facing the road frontage(s) of the site
Conservation zone	1	Freestanding	2.9m²	 (a) Maximum height of 3 metres (b) 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) Setback a minimum of 1 metre from the property boundaries (d) Located below the height of the vegetation within the surrounding landscape when viewed from adjacent roads or prominent public viewing points
		Ground	5m ²	(a) Maximum height of 1.5 metres
		All signs	-	(a) Not illuminated
Emerging community zone Low density residential zone	1	Fence or Freestanding 0.5	0.5m ²	(a) Relate to a use conducted on the premises(b) Not illuminated(c) Located wholly within the premises facing the road frontage(s) of the site
Medium density residential zone				

Zone/Use	Maximum number of signs per site	Sign types	Maximum face	Design requirements
Rural residential zone				
		Above awning	-	(a) Do not exceed the height of the parapet or building roofline(b) Do not exceed the width or depth of the awning to which they are affixed
		Fascia	-	(a) Wholly contained within the outline of the awning to which they are affixed(b) Flush with the awning face
		Fence	2.5m ²	(a) Located wholly within the premises facing the road frontage(s) of the site
Industry zone	3	Freestanding	6m²	 (a) Located on lots greater than 1,000m² (b) No higher than buildings on the same lot or 7.5 metres (whichever is the lesser)
		Ground	5m²	(a) Maximum height of 1.5 metres
		Parapet	-	(a) Flush with the building parapet wall face(b) Wholly contained within the area of the parapet(c) Have a sign face of no more than maximum of 40% of the available parapet area
		Projecting	2.5m ²	 (a) Limited to one sign per road frontage (b) Do not project greater than 1.5 metres from the building or structure to which they are affixed (c) Do not exceed the height of the building or structure to which they are affixed
		Wall	2.5m²	 (a) Wholly contained within the outline of the wall to which they are affixed (b) Flush with the face of the wall (c) No more than 50% of available wall space is covered by existing and proposed signage (d) Limited to one sign per road frontage for each tenant (e) Have at least one side with a minimum length of 600mm
		Window	-	(a) Wholly contained within the window area(b) No more than 50% of available window space is covered by existing and proposed signage
		All signs	-	 (a) If illuminated, light spillage from advertising devices is minimised in accordance with AS4282 (as amended).
Recreation and open space zone	3	Fence	2.5m ²	(a) Located wholly within the premises facing the road frontage(s) of the site
		Freestanding	6m²	 (a) Located on lots greater than 1,000m² (b) No higher than buildings on the same lot or 7.5 metres (whichever is the lesser)
		Ground	5m²	(a) Maximum height of 1.5 metres

Zone/Use	Maximum number of signs per site	Sign types	Maximum face	Design requirements
		Wall	2.5m²	 (a) Wholly contained within the outline of the wall to which they are affixed (b) Flush with the face of the wall (c) No more than 50% of available wall space is covered by existing and proposed signage (d) Limited to one sign per road frontage for each tenant (e) Have at least one side with a minimum length of 600mm
		All signs	-	 (a) If illuminated, light spillage from advertising devices is minimised in accordance with AS4282 (as amended).
		All signs	-	(a) Not illuminated
		Fence	2.5m ²	(a) Located wholly within the premises facing the road frontage(s) of the site
Rural zone	1	Freestanding	2.9m²	 (a) Sited a minimum of 1 kilometre from all existing freestanding advertising devices whether or not they are on the same side of the road (b) Setback a minimum of 1 metre from the property boundaries (c) Located below the height of the vegetation within the surrounding landscape when viewed from adjacent roads or prominent public viewing points (d) Maximum height of 3 metres
Uses				
Home based business	1	Fence Freestanding	0.5m ²	(a) Not illuminated(b) Located wholly within the premises facing the road frontage(s) of the site
Renewable energy facility	-	-	-	(a) Limited in scale(b) Confined to site(c) Limited to development interpretation.
Roadside stall	2	-	1m²	(a) Located on the same site as the roadside stall.
Rural industry	-	-	2.1m ²	(a) Located at the entrance to the premises;(b) Limited to the name and hours of operation of the facility(c) Does not include any product advertising

Note—Where there is a conflict between a requirement in a zone and a requirement for a use in the **Table 9.4.1.3D**, compliance is to be achieved with the more restrictive requirement.

Note—Where there is no requirement specified for a use, reference should be made to the relevant zone requirement.