



23 November 2017

The Hon. Richard Wynne MP
Minister for Planning
Department of Environment, Land, Water & Planning
8 Nicholson Street
East Melbourne Vic 3002

Dear Minister

**RE: Submission to 'Reforming the Victoria Planning Provisions
– A Discussion Paper (October 2017)**

We act on behalf of Adshel and write to you regarding the proposed changes to the Victoria Planning Provisions (VPP) Advertising Signage Policy.

Adshel consider the existing advertising signage policy to be out-dated, cumbersome and inefficient with regards to processing and permitting signage. As such, Adshel is supportive of changes to the existing Advertising Signage policy as currently contained within the VPP.

Adshel submit that any new advertising signage policy must seek to undertake the following:

- Recognise the new technologies currently be utilised within advertising signage, with particular regard to digitisation, electronic and special features
- Provide more exemptions for advertising signs not requiring a planning permit
- Streamline the approvals process to reduce delays
- Reduce duplication of information required by the advertising industry, and
- Recognise the use of temporary signage.

Both the SMART Planning Program Unit (DELWP) and VicRoads have advised representatives of Adshel that changes are currently proposed to the existing advertising policy. Specifically, it is our understanding that a new advertising signage policy has been drafted, and is to be gazetted by mid December 2017.

Adshel have been advised that the advertising signage policy will not be formally advertised, and as such we have not been issued a draft copy of the policy. We understand however, that the proposed Advertising Signage policy seeks to implement a number of the recommendations made by the Ministerial Advisory Committee – Advertising Sign Provisions (Advisory Committee) in their report dated December 2007, some 10 years ago.

Recognising that some time has passed since the recommendations were made, our submission responds to the relevant recommendations made by the Advisory Committee. We request that you consider these matters when reviewing the proposed advertising signage policy.

Response to relevant recommendations made by the Advisory Committee.

Adshel are generally supportive of the recommendations made by the Advisory Committee regarding Advertising Signage Policy. Adshel acknowledge that the majority of recommendations will assist in cutting red tape and facilitate greater exemption for signs requiring planning permit. Overall this will support businesses and foster commercial activity.

Adshel do however consider that some recommendations made by the Advisory Committee require further refinement in order to ensure their efficiency in the VPP and reflect current and future market trends with regards to advertising signs. This section of the submission provides a response to the recommendations Adshel consider further refinement is required.

1. Simplifying Sign Definitions

Adshel support the Advisory Committee's review of the definitions, with particular regard to only setting out three distinctive categories of signs;

- Identification: A signage that provides business identification information about a commercial or non-commercial use, business or industry carried out on the land where



the sign is displayed. The information may include the name of the use, business or building, the street number of the premises, the nature of the use or business, a business logo or other business identification information. It does not include any advertising relating to a commercial or non-commercial business or a person that does not carry out a business at the premises.

- Promotion: A sign that advertises goods, services, an event or any other matter whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.
- Information: A sign that directs vehicles or pedestrians, advertises or provides information about community events, activities, or emergency information whether or not the event or activity is on the land on which the sign is sited. It does not include promotion advertising.

Adshel however recommend that 'community' and 'emergency' information be incorporated within the definition of promotion sign. Adshel have experienced that in some instances, particularly where there is a state of emergency i.e. bushfire or missing child amber alert, electronic promotion signs can be effectively utilised at short notice to provide information to the community regarding emergency announcements.

The Advisory Committee also provided details regarding 'sign criteria'. Adshel supports the sign criteria as outlined by the Advisory Committee, however states that 'scrolling, electronic or animated' should be individually identified as different formats and forms of technology are utilised for each of these signs. Adshel recommends the following criteria description for these signs:

Scrolling: Static images/messages (static poster form), the image/message rotate to the next image/message within a specific timeframe (triggered by sensors). Scrolling signs can be illuminated or non-illuminated.

Electronic: Image or message can be animated or static. Rotation takes place instantaneously after set time (managed/set by system in backend) to the next message/image. Electronic signs are illuminated.

Animated: Animation involves the display of special treatment such as moving images or interactive content.

Adshel also submit that the sign criteria for 'total display area' should be revised to remove reference to 'boarders and surrounds', so that the 'total display area' is limited to the only the visual display area. As such, this would not include the measurements of safety devices, platforms and light structures.

The Advisory Committee also stated that the sign criteria should be described in clause 73 and be accompanied by 'diagrams in the clause to assist with the interpretation'. Adshel supports this recommendation and also submit that dimensions, elevations and visual displays areas should also be updated at this time.

2. Control categories for the mixed use zone and public parks and recreation zone.

Adshel support the recommendations of the Advisory Committee that seek to allow for a schedule to the Mixed Use Zone to provide an opportunity for reduced level of advertising sign controls in planning schemes having regard to local conditions and planning circumstances. This could also be applied for other zones specifically residential zones, where they are currently adjacent to Road Zone or Principle Public Transport networks.

Further, signage controls for land within Residential Zones could be determined by locality and not solely by zone. Land within the Residential Growth Zone directly adjacent to a Road Zone and Commercial 1 Zone has a far different level of amenity than that of land within a Neighbourhood Residential Zone. These differences should be acknowledged within the new advertising sign provisions.

3. Permit Application Requirements

The Advisory Committee made a number of recommendations regarding the level of information that is required to accompany a planning permit application for signage.

Specifically, the Advisory Committee stated that detailed information as to advertising content must be provided. Adshel submit that at present signage content is highly regulated in Australia. As a member of the Outdoor Media Association (OMA), Adshel ensures all OOH advertising displayed meets prevailing community standards and attitudes.

The OMA works closely with the Advertising Standards Bureau (ASB) and OMA and its members support the complaints procedure managed by the ASB, and also work with the Australian Association of National Advertisers (AANA), The Communications Council and the Alcohol Beverages Advertising Code (ABAC) Scheme. OMA members only display advertising that meets community standards and the self-regulatory codes.

The OMA has developed 'Content Review Policy' to support its members. Members of the OMA are required to obtain advice from the OMA regarding the advertising signage content to ensure content meets the OMA codes (Refer attachment 1 – OMA Content Review Policy). Further, the OMA provides training to members on the various codes to provide companies with the most up to date information regarding changes and interpretations.

Adshel submit that any members of the OMA as part of any planning permit application submit the proposed advertising signage content or written approval from the OMA that signage content will meet the OMA Code of Ethics. It is considered that this will ensure a more efficient process for assessing content and will reduce the duplication of assessment of content.

It is important to note that OOH signage uses visual content in such a way as to make them clear and easy to interpret. This 'content' is often confused with the content of advertising material, and should be considered separately. In general terms, commercial drivers will mean the more visible and more quickly absorbed the sign is (such as using contrasting colours and appropriate font sizes), the better. Adshel consider that there is no need for government to impose any regulations on legitimate signage operators such as OMA members, and attention should be focussed on stopping illegal signage that has no regard for industry standards.

4. Time Limits

The Advisory Committee recommended that promotion signage permits are 'subject to a minimum of 10 years or a maximum of 25 years unless the promotion sign is for a special event'.



Adshel submit given the cost and time involved in developing a promotion sign, a minimum of 15 years be supported for promotion signs.

Adshel also recommend that any new advertising sign policy should include the opportunity for applicants to apply for an 'extension of time' for existing signage, where signs are to remain in the same location and are not required to undertake any changes to the structure and/or any other works. In circumstances where the signage will be changed at the end of its term, Adshel considers that the fact a sign has safely operated in that position for some time should be deemed a positive factor in considering modification applications. This would remove the need to resubmit many of the site-specific requirements in the process and accelerate planning approval, freeing up planning and VicRoads resources.

5. Temporary Signs

The Advisory Committee recommend that new provision be implemented that seek to exempt the need for a planning permit for temporary signs relating to signs on construction sites known as shrouding or warps.

Adshel submit that this provision be extended to other forms of temporary signage. Currently Adshel assist in facilitating speciality temporary signage campaigns. In most cases these campaigns are short and will run for approximately 2-8 weeks.

At present signage associated with these forms of campaigns currently utilises new technologies so that displays can contain sensory items (smell, touch, sound etc), interactive buttons/levers, lightbox and glass artwork, RFID codes for scanning, new and temporary roof and seat design, product displays and free samples.

Given the short lifecycle of these signs and the nature of the signs as part of a specific marketing campaign associated with a product or event, a lengthy delay in obtaining a planning permit will often result in the signage not be carried out, as by the time approval has been obtained for the sign the marketing campaign associated with the sign has concluded.

This form of creative signage is currently very popular in other global cities as it can provide a number of community benefits including activation and interest along streets. It also assists in promoting cities as being creative and technologically savvy. Increased planning controls

around temporary signage has the potential to stifle the implementation and utilisation of such signage within Melbourne. Adshel therefore submit that exemption provisions for temporary signage be included in any new provisions relating to advertising.

Professional OOH providers such as Adshel and other OMA members invest considerable sums in signage and technology that is aesthetically pleasing and functional.

Adshel would be keen to work with the Department of Environment Land Water and Planning to prepare an appropriate provision to allow for planning exemption for temporary signage.

6. Road Safety and new signs

The Advisory Committee made a number of recommendations regarding application requirements to address road safety and advertising signs, with particular regards to electronic, scrolling and animated signs.

At present VicRoads Advertising Policy is currently being reviewed. As part of this review a 'working group' was established in September 2017 to assist with the preparation of new guidelines. The working group has undertaken consultation with industry stakeholders including Adshel. A key item for Adshel coming out of these discussions is the role of VicRoads in the planning permit assessment process and how this role can be streamlined to reduce delays in planning permit decision being made. Adshel submit that in some instance where no clear guidelines are specified for VicRoads conflicting and inconsistent comments are made by the authority. In order to address this issue Adshel recommend that any new policy should clearly identify VicRoads role and that any VicRoads policy should align with planning policy for advertising signs.

Further, Adshel submit that there is an opportunity to fast track approvals of advertising sign applications if the revised VicRoads Advertising Policy aligns pre-approval practices with planning practices. Potentially, an application that has already been provided with Vicroads pre-approval may be processed in a streamlined manner, with less red tape and resources required.

Closing

As stated above Adshel fully support the review of the existing Advertising Signage policy. It is considered that implementation of new policy has the potential to facilitate better outcomes for all parties and stakeholders, and most importantly streamline the planning process and reduce the requirements for duplicates of information and approvals.

As a key stakeholder within the advertising sign industry Adshel requests a copy of the draft Advertising Sign provision. As specified this submission is based on the recommendations of the Advisory Committee and is therefore limited. Adshel would greatly appreciate the opportunity to comment on the drafted policy to ensure its submission is accurate.

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Kind Regards

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[Redacted contact information]



Attachment 1 - OMA CONTENT REVIEW POLICY

Under the Outdoor Media Association (OMA) *Code of Ethics*, all members of the OMA comply with the Australian Association of National Advertisers (AANA) *Code of Ethics* and other AANA Codes. The OMA and its members recognise that outdoor advertising is visible to a broad audience and that this needs to be taken into account when considering compliance with the AANA *Code of Ethics*.

The OMA has developed this Content Review Policy to support its members' compliance with the AANA *Code of Ethics*.

1. OMA members will endeavour to seek copy advice from the OMA before posting the following types of advertisements or undertaking associated public relations communications:

1.1 Advertising that may discriminate against or vilify a person or section of the community on any grounds, including on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.

1.2 Advertising that may employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

1.3 Advertising that may present or portray violence that is not justified in the context of the product or service being advertised, or that may not be appropriate for viewing by a broad audience.

1.4 Advertising that may fail to treat sex, sexuality or nudity with sensitivity to the broad audience that will view the advertisement. This includes, but is not limited to:

1.4.1 Advertising in which male or female models are portrayed in a sexualised manner

1.4.2 Advertising that uses scantily clad models, where such models are not relevant in the context of what is being advertised.

1.4.3 Advertising where significant amounts of a model's torso, breasts, cleavage, groin or buttocks are exposed.

1.4.4 Advertising for adult-only products and services such as gentlemen's clubs (for alcohol advertising – refer to the OMA *Alcohol Guidelines*).

1.5 Advertising that uses language which is strong or obscene, or which is inappropriate for viewing by a broad audience.

1.6 Other advertising that may be inconsistent with prevailing community standards on health and safety.

2. The OMA will consult with the AANA, the Advertising Standards Bureau and/or ABAC when providing copy advice.

Outdoor Media Association

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3. The OMA and its members acknowledge that copy advice is provided to maintain compliance with the AANA Code of Ethics. An OMA member will not post an advertisement if the copy advice states that the advertisement is likely to breach the AANA Code of Ethics.
4. Where the OMA advises that an advertisement is likely to breach, and must be modified prior to display, an OMA member **will not** display the modified advertisement prior to receiving advice from the OMA that the modified advertisement is unlikely to breach the AANA Code of Ethics.
5. The OMA and its members acknowledge that even if copy advice states that an advertisement is not likely to breach the AANA Code of Ethics, this does not guarantee that a complaint will not be made about the advertisement or that such a complaint will not be upheld by the Advertising Standards Board. This is due to the subjective nature of making judgements about content.
6. In the event that a complaint is upheld by the Advertising Standards Board, the OMA member will take immediate steps to facilitate removal of the advertisement that is the subject of the complaint.
7. The OMA is aware that OOH advertising can be seen by all members of the community, including children. As such, members will ensure where possible that care will be taken in regards to the placement of advertising. Some copy may be appropriate for display on DOOH depending on time of day. Members will also take into account time of day for the display of advertising.

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