

FACT SHEET

Vegetation management around outdoor advertising signs

Introduction

Vegetation management around outdoor advertising signs is an issue that continues to affect the outdoor advertising industry. If there are no vegetation management plans in place when a signage application is approved by Council, it becomes extremely difficult for members to manage any surrounding vegetation once it encroaches on the visibility of the sign. As a result, the commercial viability of the sign becomes compromised.

Members can assist in preventing this from occurring by being aware of the rules and regulations for the management of vegetation around outdoor advertising signs in each State and, where appropriate, submitting vegetation management plans for approval for each signage application.

The purpose of this fact sheet is therefore to outline the:

1. Regulations that are currently in place in each State for the management of vegetation around outdoor advertising signs and the obligations of OMA members in regards to these rules and regulations.
2. Items to include in a vegetation management plan.
3. Procedure for seeking approval to clear overgrown vegetation around a sign.

1. Regulations for vegetation management and members' obligations

Regulation concerning vegetation management around signs varies in each State. Below is a summary of the regulations that currently apply in each of the main States. It should also be noted that local councils may have additional regulations or policies for vegetation management. Members are advised to discuss this with the local council prior to submitting a signage application.

New South Wales

The *State Environmental Planning Policy No. 64 for Advertising and Signage* (SEPP 64) refers to the issue of vegetation management in the assessment criteria outlined in Schedule 1, Section 4 Streetscape, setting or landscape: "Does the proposal require ongoing vegetation management?" As outlined in Clause 13 of

SEPP 64, the consent authority must not grant consent to a signage application unless it has been assessed according to the criteria outlined in Schedule 1 and is deemed acceptable in terms of its impacts. Furthermore, Clause 17 of SEPP 64 says that consent authorities must only grant approval to applications for large format advertisements with a display area greater than 20 square metres or higher than 8 metres above the ground if the applicants have provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 1. This means that members must assess the surrounding environment of the proposed sign and indicate in each signage application whether the sign will require ongoing vegetation management in order to satisfy Clause 13 and Clause 17 (large format signs only) of SEPP 64.

The accompanying guidelines to SEPP 64, the *Transport Corridor Outdoor Advertising and Signage Guidelines*, further explain the regulations covering vegetation management.

Section 1.5.3 outlines the information to be included in SEPP 64 Development Applications (DAs). In addition to providing details and plans about vegetation in proximity to the proposed sign, Part (c) *Proposed maintenance and management regime* states that where landscaping is proposed, "a landscape management plan should include plant species selection including finished height relative to the sign, any proposed lopping or removal of existing trees; ongoing vegetation maintenance and any other landscaping components." Please note that whilst a landscape management plan should include any proposed lopping or removal of trees, Section 2.5.1 (d) of the Guidelines states that "the placement of the advertising structure should not require the removal of significant trees or other native vegetation."

Section 2.5.4 of the Guidelines also outlines landscape requirements for freestanding advertisements that are located in a transport corridor. These signs may require a landscape management plan as part of the DA approval. This may include requirements to provide appropriate vegetation behind and adjacent to the advertising structure to minimize unintended visual impacts. The Guidelines state that landscaping should "include trees, shrubs and ground covers to provide adequate screening, softening, colour, soil stabilization and weed reduction."

Summary of regulations in New South Wales:

- Each new signage application must:
 - Provide details and plans about vegetation in proximity to the proposed sign.
 - Indicate whether the sign will require ongoing vegetation management.

- Provide a detailed landscape management plan if landscaping is proposed.
- Members should discuss any vegetation management requirements with the local council prior to submitting a DA.

For more information, please refer to the following links:

- *State Environmental Planning Policy No. 64 for Advertising and Signage:*
[STATE ENVIRONMENTAL PLANNING POLICY NO 64--ADVERTISING AND SIGNAGE](#)
- *Transport Corridor Outdoor Advertising and Signage Guidelines:*
http://www.duap.nsw.gov.au/planningsystem/pdf/dop07033_outdooradvertising_transportcorridors_guidelines.pdf

Queensland

There are no specific requirements under the *Sustainable Planning Act 2009* for members to lodge a vegetation or landscape management plan when submitting a signage application to Council. However, local councils may require members to submit a vegetation or landscape management plan under their local planning scheme. Members should check with their local council prior to submitting their signage application form as to whether this is required.

Vegetation management around advertising signs located on state-controlled roads

Section 6.3.1 of the Department of Main Roads' *Roadside Advertising Guide* states that advertising signs should be located in places where the trimming of vegetation will be unnecessary.

However, if existing vegetation is beginning to encroach on the visibility of a sign that is located on a state-controlled road, members must seek approval from the Department of Main Roads (DMR) to conduct any vegetation management works around these signs. Section 47(1) of the *Transport Infrastructure Act 1994* states that a person must not, without lawful excuse, damage, remove or interfere with naturally occurring materials on a state-controlled road. Members who remove or interfere with any naturally occurring vegetation without gaining approval from the DMR are liable for prosecution.

Appendices G and H of the DMR's Guide contain information about the clearing permit and fees required prior to approval being granted. Members should apply to the DMR's regional or district directors for a permit to conduct any vegetation

management works around signs. Two types of permits can be issued by the DMR, one for the trimming of grass and shrubs, and the other for the trimming of trees. Removal of trees is only to be performed by the DMR; however, certain protected species of plants are unable to be removed (Section 3.7 of the Guide). All costs for vegetation management are to be covered by Members, including an administration fee for the processing of permits and Members are required to indemnify the DMR against any personal injury claims that arise from the vegetation management works .

According to Section 5.4 of the Guide, vegetation and landscaping concerns around outdoor advertising signs may also be addressed in an Advertising Management Plan which is developed by the DMR in consultation with other stakeholders.

Summary of regulations in Queensland:

- Members should discuss any vegetation management requirements with the local council prior to submitting a signage application.
- For signs located on a state-controlled road:
 - New signs should be located in places where trimming of trees would be unnecessary.
 - Where there is overgrown vegetation around an existing sign, members must seek approval from DMR regional offices to remove it.

For more information, please refer to the following links:

- *Roadside Advertising Guide*: [Roadside advertising guide \(Department of Transport and Main Roads\)](#)

Victoria

Clause 52.05-3 of the *Victorian Planning Provisions* (VPPs) state that responsible authorities must consider the relationship between a proposed sign and the surrounding streetscape, setting, landscape, site and building before approving its development. This includes consideration factors such as:

- The size and location of the sign in relation to the surrounding landscape.
- The ability to use landscaping to assist in integrating the sign into the surrounding environment.
- The extent to which the sign requires the removal of vegetation or includes new landscaping.

Responsible authorities must also consider the decision guidelines outlined in Clause 65 of the VPPs, which include factors such as:

- The extent and character of the native vegetation around a proposed sign and the likelihood of its destruction should a sign be developed in that location.
- Whether the native vegetation is to be or can be protected, planted or allowed to regenerate.

Clause 52.05-2 of the VPPs state that applicants are to include any landscaping details in their signage applications.

Summary of regulations in Victoria:

- Members are to include any landscaping details in their signage applications.
- Members should discuss any vegetation management requirements with the responsible authority prior to submitting a signage application.

For more information, please refer to the following links:

- Clause 52.05 of the *Victorian Planning Provisions*:
http://www.dse.vic.gov.au/planningschemes/aavpp/52_05.pdf

2. Items to include in a vegetation management plan

If a vegetation or landscape management plan is required in a signage application, the following factors should be included when drafting the plan:

- Details of any existing vegetation that is currently surrounding the sign (e.g. type of vegetation, approximate height etc).
- How any existing vegetation will be managed (if necessary), i.e. trimming, removal etc.
- Details of any proposed landscaping (e.g. type of vegetation to be planted, approximate height of growth, maintenance requirements, cost). Please note that Members may be required to consult qualified landscape professionals for more information on the most appropriate vegetation to be planted around particular signs.
- Details of any alternative options for landscaping (if necessary), i.e. planting of vegetation in alternative locations in the area.

Members should discuss with the relevant consent authority if there are any other items required in the vegetation or landscape management plan.

3. Procedure for seeking approval to clear overgrown vegetation around a sign

To avoid instances where vegetation may eventually encroach on the visibility of a sign, it is preferable for Members to address any potential vegetation management issues with a consent authority prior to the development of a sign, even if there are no regulations in place that specify the need for a landscape or vegetation management plan. By opening the dialogue with the consent authority over this issue, the consent authority may avoid planting unsuitable trees that will eventually grow to cover the face of the sign and procedures may be set in place for members to be able to trim any existing vegetation when the need arises. Consent authorities are likely to refuse any requests to trim vegetation that was already in place when the sign was approved for development.

As outlined in Section 1 of this Fact Sheet, there is already a process for members to follow when seeking approval to manage overgrown vegetation around signs located on a state-controlled road in Queensland. In the past, Queensland members have also had some success in getting local councils to trim or remove trees that were placed in front of signs after the sign was developed. Members were required to pay a fee for these services.

The OMA is currently working with VicRoads' Metropolitan North West Region to develop a formal approval process for the maintenance of overgrown vegetation around signs. This approval process is likely to include a requirement for Members to cover the costs of planting vegetation in alternative areas in the Region in exchange for the trimming and/or removal of overgrown vegetation around a sign. The OMA will advise Members of this process once it has been approved by VicRoads.

If Members believe that the viability of a sign is or is about to be compromised by overgrown vegetation around the sign, they should contact the relevant consent authority in the first instance and request a meeting to discuss the issue. Giving the consent authority advanced notice that maintenance work is required is preferable as the consent authority may have a lengthy approval process before the work can be performed. Should the consent authority be unwilling to conduct any maintenance works to trim or remove the overgrown vegetation, members may wish to discuss alternative options for vegetation management around these signs at their discretion i.e. replanting around the sign with more appropriate vegetation, or planting vegetation in other areas in exchange for maintenance works around that sign. Members should be aware that they are likely to be required to cover the costs for this any maintenance works to occur. Should these discussions fail, Members are advised to contact the OMA for assistance.