



FACT SHEET

Vegetation Management around Outdoor Advertising Signs

01 INTRODUCTION

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

Members can be pro-active in reducing the impact of overgrown vegetation obscuring signs by being aware of the rules and regulations for the management of vegetation around outdoor advertising signs and, where appropriate, submitting Vegetation Management Plans for approval with signage applications.

The purpose of this Fact Sheet is to provide details of the following matters:

1. Regulations currently in place in each State for the management of vegetation around outdoor advertising signs, and the obligations of Members in regards to these requirements.
2. Items to include in a Vegetation or Landscape Management Plan.
3. Procedure for seeking approval to clear overgrown vegetation around a sign.

02 REGULATIONS FOR VEGETATION MANAGEMENT AND MEMBERS' OBLIGATIONS

The Regulations 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 council prior to submitting a signage application.

2.1 New South Wales

1. Each new signage application must:
 - Provide details and plans about vegetation in proximity to the proposed sign;
 - Indicate whether the sign will require on-going vegetation management; and
 - Provide a detailed Landscape Management Plan, if landscaping is proposed.
2. Members should discuss any vegetation management requirements with the local council prior to submitting a Development Application (DA).

2.1.1 Background:

The State Environmental Planning Policy No. 64 (SEPP 64) for Advertising and Signage¹ refers to the issue of vegetation management in the assessment criteria outlined in Schedule 1, Section 4, Streetscape, setting or landscape, as follows:

“Does the proposal require ongoing vegetation management?”

Clause 13 of SEPP 64, states that the Consent Authority must not grant consent to an application for an advertising structure 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 a Consent Authority must not grant consent to applications for large format advertisements with a display area greater than 20 square metres or higher than 8 metres above the ground, unless the applicants have provided the Consent Authority with an impact statement that addresses the assessment criteria within Schedule 1.

In summary, that the requirements of SEPP64 are that Members must assess the surrounding environment of the proposed sign and indicate whether the proposed advertising structure sign will require ongoing vegetation management in order to satisfy Clauses 13 and 17 of the SEPP.

The *Transport Corridor Outdoor Advertising and Signage Guidelines*², further explain the regulations for vegetation management. Section 1.5.3 outlines the information to be included in SEPP 64 Development Applications. In addition to providing details and plans about vegetation in proximity to the proposed advertising structure, clause (c) ‘*Proposed management and maintenance regime*’ states the following:

“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 while a Landscape Management Plan should include any proposed lopping or removal of trees, Section 2.5.1 (d) of the Guidelines states the following:

¹ NSW Government, *State Environmental Planning Policy No. 64 for Advertising and Signage*

² NSW Government *Transport Corridor Outdoor Advertising and Signage Guidelines July 2007*

“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 advertising structures that are located in a transport corridor. These signs may require a landscape management plan as part of the approval process and may require the planting of appropriate vegetation behind and adjacent to the advertising structure to minimise unintended visual impacts. The Landscaping should *“include trees, shrubs and ground covers to provide adequate screening, softening, colour, soil stabilisation and weed reduction.”*

The Transport Corridor Outdoor Advertising and Signage Guidelines are currently under review by the NSW Government to allow for the consideration of digital signage proposals³.

2.2 South Australia

In South Australia, applications for advertising structures within the road reserve are lodged with the relevant local council. The approval for such a permit will then be subject to the consent of the Commissioner of Highways as the council’s powers with respect to the installation of signs in the road reserve of arterial roads, is generally limited by Section 211 of the *Local Government Act 1999*, Section 26 of the *Highways Act 1926* and Operational Instruction 20.1.

If a development permit is granted, it may include the following conditions:

1. compliance with specified safety requirements;
2. require the person to whom the authorisation or permit is given to carry out specified work (or additional work) such as earthworks, drainage works and fencing;
3. require specified insurance or indemnities;
4. require the maintenance of structures erected or installed, or vegetation planted, under the authorisation or permit to be in good condition and to specified standards;
5. in the case of an authorisation or permit given for business purposes—require the payment to the council of rent or other consideration;
6. require the removal of a structure erected or installed under the authorisation or permit at the end of a stated period.

2.2.1 Background:

In South Australia, the Advertising Signs Assessment Guidelines for Road Safety, August 2014,⁴ guide the assessment process for advertising signs.

The Guidelines advise that the Commissioner of Highways is the relevant road authority for vegetation management. *“A Council must not exercise its powers under Part 2 of Chapter 11 of the Local Government Act 1999”* unless it has written approval from the

³ NSW Government Draft Transport Corridor Outdoor Advertising and Signage Guidelines December 2015

⁴ Government of South Australia, advertising Signs Assessment Guidelines for Road Safety, August 2014

Commissioner.⁵ In order to undertake vegetation management, members must seek the relevant permit from the Commissioner, as follows:

Section 221 (*Local Government Act 1999*)—Alteration of road

- (1) A person (other than the council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by the council.
- (2) A person makes an alteration to a public road if the person-
 - (e) plants a tree or other vegetation on the road, interferes with vegetation on the road, or removes vegetation from the road.

Section 222 (*Local Government Act 1999*)—Permits for business purposes

- (1) A person must not use a public road for business purposes unless authorised to do so by a permit.
- (2) A permit may grant rights of exclusive occupation in relation to part of a public road.
- (3) A permit may be granted for a particular occasion or for a term stated in the permit.
- (4) The term of a permit cannot exceed five years.

2.3 Queensland

1. Members should discuss any vegetation management requirements with the local council prior to submitting a signage application.
 - a. For signs located on a State-controlled road:
 - b. New signs should be located in places where trimming of trees would be unnecessary.
2. Where there is overgrown vegetation around an existing sign, members must seek approval from a Department of Transport and Main Roads (DTMR) Regional Office to remove it.

2.3.1 Background:

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 the local council prior to submitting their signage application whether a Vegetation or Landscape Management Plan will be required.

On State controlled roads, the *Roadside Advertising Guide*⁶ states that advertising signs should be located in places where the trimming of vegetation will be unnecessary. The Guide takes vegetation issues into consideration in a number of sections and vegetation issues should be assessed in relation to the placement of any new signage.

⁶ Queensland Government Department of Transport and Main Roads, *Roadside Advertising Guide* August 2013

If existing vegetation is beginning to encroach on the visibility of a sign on a State-controlled road, Members must seek approval from the DTMR 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 DTMR may be liable for prosecution.

Appendices G and H of the DTMR's Guide contain information about the clearing permit and fees required prior to approval being granted. Members should apply to the DTMR's Regional Director or District Director for a permit to conduct any vegetation management works around signs. Two types of permits can be issued by the DTMR, 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 DTMR; however, certain protected species of plants cannot be removed (refer to section 3.7 of the Guide). All costs for vegetation management are to be covered by applicants, including an administration fee for the processing of permits and applicants are required to indemnify the DTMR against any personal injury claims that arise from the vegetation management works.

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

2.4 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.

2.4.1 Background:

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 the consideration of factors such as:

1. The size and location of the sign in relation to the surrounding landscape.
2. The ability to use landscaping to assist in integrating the sign into the surrounding environment.
3. 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:

1. 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.
2. 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.

Members have experienced difficulties in applying for permits to trim vegetation from both VicRoads and various local councils. In order to trim vegetation, members must first apply for a planning permit. The ‘owner’ detailed in the planning permit application will be contacted for approval once it is submitted. Unfortunately, this can be a considerable process and there is no consistency from case to case due to jurisdictional issues between councils and VicRoads.

The VPPs are particularly strict regarding native vegetation, defined as “*Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses*”. As such, it may strengthen an application to note where the vegetation is not native.

Clause 52.17-7 of the VPPs states that “*no permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply*” (however please note the bolded sections which will be used by local councils to justify the need for a permit):

<p>Lopping and pruning for maintenance</p>	<p>Pruning or lopping for maintenance only and no more than 1/3 of the foliage is removed from any individual plant.</p> <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> ○ Pruning or lopping of the trunk of a tree or shrub. ○ Native vegetation within a road or railway reservation.
<p>Planted vegetation</p>	<p>The native vegetation has been planted or grown as a result of direct seeding for crop raising, extensive animal husbandry, and aesthetic or amenity purposes, including: agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), shelter belts, woodlots, street trees, gardens or the like.</p> <p>This exemption does not apply if public funding was provided to assist in planting or managing the native vegetation and the terms of the funding did not anticipate removal or harvesting of the vegetation.</p>

2.5 Western Australia

1. Vegetation shall not be removed or trimmed to locate a billboard sign or to improve visibility to any proposed billboard sign.
2. Following installation of a billboard sign, vegetation that may have encroached on the visibility of the device over time may be approved for minor trimming by the road owner.⁷

2.5.1 Background:

Clause 4.1.6, Design, Construction and Maintenance of the Western Australia Main Roads 'Roadside Advertising' Guide, July 2015, sets out the requirements for Western Australia.

03 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:

1. Details of any existing vegetation that is currently surrounding the sign (for example, type of vegetation, approximate height etc.).
2. How any existing vegetation will be managed (if necessary), for example, trimming, removal etc.
3. Details of any proposed landscaping (for example, type of vegetation to be planted, approximate height of growth, maintenance requirements and 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.
4. 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.

04 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 the 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 a 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

⁷ Western Australia Main Roads 'Roadside Advertising Guide' July 2015,

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.

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 for example, 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 any maintenance works to occur. Where discussions on vegetation management fail, Members are advised to contact the OMA for assistance.