



Outdoor Media Association

6 September 2014

Submission to the Draft Botany Bay Comprehensive DCP 2013

01 INTRODUCTION

The Outdoor Media Association (OMA) is the peak national industry body representing most of Australia's Out of Home (OOH) media display companies and production facilities, as well as some media display asset owners. The outdoor advertising industry makes a significant economic contribution to the state of NSW and provides the following benefits:

- The industry donates around \$15M each year in free advertising space for charities and not-for-profit organisations, a large proportion of which is in NSW. Invariably, donations from the outdoor advertising industry enable these organisations to continue their service to the community – by increasing community awareness of their services, recruiting volunteers and soliciting donations from the public. These outcomes would otherwise be very difficult to achieve on their limited marketing budgets.
- The industry provides and maintains over 7,000 items of public infrastructure in NSW, such as pedestrian bridges, bus shelters, kiosks, bins and public toilets. This infrastructure is valued at \$90M and provides a considerable saving for Local and State Governments which would normally need to fund the provision of these assets. These assets also provide an income stream to State and Local Governments.
- Outdoor advertising assets provide an income stream for private land owners in NSW.
- In 2010 the industry employed 431 FTE equivalents in NSW and contributed 127.5 million to GDP.

These contributions should not be underestimated by Local Government. For local communities, outdoor advertising provides a cost-effective medium for businesses and organisations to advertise their products, services and events. It is also widely used by government bodies to advertise community messages such as road safety messages and health awareness campaigns.

Part of the role of the OMA is to develop constructive relationships with Federal, State and Local Governments with the aim of ensuring that new laws and regulations for outdoor advertising are fair and equitable. The OMA has previously made submissions to the first round of consultation for the planning reform in New South Wales (Nov 2011) as well as to the Green Paper (Sept 2012) and White Paper (2013). This OMA submission to the Draft Botany Bay Comprehensive DCP 2013 (the Draft BBDCP 2013) forms a further part of the body of interaction and communication between the OMA and the various levels of Government.

The OMA supports the planning reform process in NSW and the various local governments,

with the focus on strategic land use planning and a more streamlined development approval process. The review process is an excellent opportunity for all parties within NSW to have input into the strategic direction of the NSW planning system and to inform the proposed NSW Planning Policies, Regional Growth Plans, Subregional Delivery Plans and Local Plans.

The OMA is committed to ensuring that all planning reform, including the Draft BBDCP 2013 provides a system for its members that:

1. Recognises outdoor advertising signage as a legitimate land use. The Draft BBDCP 2013 must enable the outdoor advertising industry to operate in a fair and objective manner
2. Provides a set of fair and reasonable development standards that are appropriate for signage land use and which acknowledge the introduction of digital technology
3. Promotes the responsible display of outdoor advertising signage within urban centres and along transport corridors
4. Protects members' long term existing advertising investments within the Botany Bay Municipality.

The position of the OMA is that the best approach to achieve these reforms is through a proposed statewide Planning Policy for advertising and signage, developed in conjunction with all stakeholders, including the OMA. Such a Planning Policy would directly inform the Regional Growth Plans and Subregional Delivery Plans as well as the content of Development Control Plans, whilst providing a statewide framework and philosophy in regards to outdoor advertising. There is concern that the Draft BBDCP 2013 is being developed prior to such a statewide planning policy establishing the intended framework and philosophy in regards to outdoor advertising. This runs the risk of creating inconsistency, uncertainty and inflexibility, in contrast to what the community, including OMA members, require. OMA members trust that this risk is being managed, and that the submissions made and lessons learnt in each part of the review process are being integrated throughout its' entirety, including the OMA submissions to the White and Green Papers.

In addition, OMA believes that the Draft BBDCP 2013 should be open for review at a later date in order to accommodate such a statewide policy. Alternatively, the OMA suggests that the BBDCP 2013 be delayed to enable it to properly reflect the coming changes from the NSW Planning Reform.

The OMA supports the objectives of providing certainty, transparency and simplicity. From the perspective of the OMA, it is essential that the Draft BBDCP 2013 deliver the same level of certainty and flexibility for advertising and signage related proposals as is currently provided under SEPP64.

The OMA also wishes to clarify that in regard to the proposed controls, these should only relate to new signs and not to any pre-existing development applications and Consents.

02 THE PROPOSED CONTROLS

The Draft BBDCP 2013 is composed of nine (9) parts, three of which contain references to advertising signage. The Parts which have the potential to impact on OMA members are Part 3 (3B, 3D & 3L), Part 5 and Part 6. For ease of review by the City of Botany Bay and others, this submission has been structured around these Parts and the incorporated controls.

Part 3D - Signage has the greatest potential to impact on OMA members and is detailed first in this submission.

03 PART 3D – SIGNAGE

Part 3D - Signage is proposed as the main control for advertising signage within the City of

Botany Bay, other than SEPP64.

Proposed Strategic Position on Signage:

Botany Bay Council describes their proposed Signage Strategy as follows:

Well designed signage can contribute to the community by assisting in providing information on products, institutions, businesses and buildings. Good signage helps people find their way to locations and contributes positively to the built environment. Poorly designed signage can negatively impact on the community, creating visual clutter and reducing the value of the local streetscape. It also can reduce the effectiveness of other local signage.

For new developments, signage and its location should be considered at the development application stage so that potential signs can be incorporated into the design of the building.

Applications to amend existing signage or to place new signage on existing buildings must be considered in the context of the existing architecture of the building and the cumulative effect of the additional signage. Particular care is required in the design of any signage on a Heritage item or in a Heritage Conservation Area.

Extract from Draft BBDCP 2013, 3D, 1.3

These strategic objectives are generally supported by the OMA, recognising the value of good signage to a community. However, it is our concern that the proposed controls then weaken this strategic position, and limit opportunities for creative solutions, through the application of restrictive provisions and Controls.

The focus on a strong strategic base for the new planning system in NSW provides opportunity for consistency across local government areas, in keeping with leading practice and research. This is particularly evident in matters of terminology; consistent definitions, clarity regarding street furniture; large format vs small format signage; digital signage; zoning of land for public infrastructure; and what constitutes appropriate planning considerations.

As such, the OMA requests that the terminology and definitions used within the Draft BBDCP 2013 are consistent with existing planning controls, namely the SEPP64. We also request that any future statewide terminology is adopted for use within the BBDCP 2013.

The OMA offers feedback on a number of specific proposed Controls within the Draft BBDCP 2013, and these are listed below:

General Requirements for all Signage

The proposed control reads as follows:

Table 1: 3D.2 General Requirements for all Signage - Relevant Controls

Ref.	Relevant Detail
C2	<i>All signage is to be designed to:</i> <i>(ii) Be associated and restricted to a proposed or approved use of the building.</i>
C3	<i>The following are generally prohibited:</i> <i>(i) Advertising signage involving flashing or moving signs;</i> <i>(ii) Any signage not permanently fixed to the premises;</i> <i>(v) Signage at a level less than 2600mm above the footpath;</i>

- (vi) *Advertising signage on garbage bins, telegraph posts and other surfaces of a public nature, except by prior contractual arrangement with Council;*

The proposed control C2 (ii) is of particular concern in regards to new buildings, as OMA members are often contacted by developers who have identified space that can be utilised for signage. The relationship between the content of the sign and the location at which it will be displayed is not considered in SEPP 64, and the OMA contends that if the proposed signage complies with the objectives and other controls for this section then whether or not the signage relates directly to the use of the building is irrelevant.

The use of technology in signage is limited by the terminology used in the proposed controls in C3 specifically the proposed prohibition of flashing or moving signs. The OMA wishes to confirm that the change between images in digital signage isn't considered 'moving' and as such C3 should not be read to control standard digital signage.

In summary, the introduction of a sign should be assessed on its planning merits and not on its content. Sign content, be it a business name or general creative copy, is superfluous in any determination about the suitability of a sign in a given location. The OMA requests that planning controls do not distinguish between building identification signs, business identification signs, advertising structures and signage because the content of a sign is not a planning consideration consistent with SEPP 64.

Illuminated and Animated Signage

The proposed control reads as follows:

Table 2: 3D 3.1 General Requirements for Illuminated and Animated Signage - Relevant Controls

Ref.	Relevant Detail
<i>C2</i>	<i>All illuminated signage, larger than 1m² that is adjacent or in the vicinity to residential dwellings must be switched off between 10pm and 6am daily.</i>
<i>C6</i>	<i>Illumination of a sign (with the exception of floodlit signs) must not be external to the sign. Illumination must be part of the sign.</i>
<i>C7</i>	<i>Animated signage will only be permitted where it is considered that there is artistic merit in the design or on a temporary basis in connection with special events.</i>

With continuous advancements in technology, the OMA recommends that local governments draft flexible planning instruments and policies that will allow for different types of signage into the future.

As we move forward into greater use of digital technology, the role of digital signage will increase. In relation to the use of digital signage, the OMA has previously provided a detailed report from Dr Gordon Watson and Associates on LED advertising signage requirements to both the Green Paper review and the former NSW RTA in January 2011. This report is reproduced in its entirety as Appendix A and includes information stating:

- Digital displays operate differently to other light based signage. The luminance of this signage must be relative to the surrounding levels of luminance and are specifications are detailed in the report.

The OMA is currently working with Transport for NSW to finalise the operation of advertising and signage utilising digital technology. The agreed definition and criteria will then be used as the basis for the assessment of digital signage and advertisements in

conjunction with the Department of Planning; changes will be made to SEPP 64 to accommodate digital signage. The OMA would hope that any provision resulting from these negotiations would be considered for inclusion in DCP's to allow for clarity and consistency. Any prohibitions or inappropriate restrictions on digital signage will unnecessarily affect the future growth of an industry that contributes significantly to the community.

Wall Signage - Relevant Controls

The proposed control reads as follows:

Table 3: 3D 3.4 Wall Signage

Ref.	1.	Relevant Detail
C5		<i>Painted wall signs are only permitted on side elevations where Council considers it to improve the public domain.</i>

This provision is problematic. Firstly, it is subjective, and not a quantitative planning Control and secondly, there are currently painted wall signs within the area affected by these Controls. This provision ignores the positive outcome generated when large scale painted wall signage offers an alternative to the negative impact of visual clutter by numerous smaller signs.

Advertising Structures

Advertising structure is defined as a “structure used or to be used principally for the display of an advertisement. This part deals with Third Party Advertising Structures which are 45m² or less”. The Objective for this section is “To minimise visual clutter and improve the aesthetic appeal of Botany Bay”.

The proposed control reads as follows:

Table 4: Advertising Structures - Relevant Controls

Ref.	Relevant Detail
C1	<i>Third party advertising on bus shelters and telephone booths may be permitted and is subject to a merit assessment by Council in relation to its location and potential impacts on amenity. This type of signage must be contained wholly within the structure on which it is located.</i>
C2	<i>New advertising or advertising structures:</i> <ul style="list-style-type: none"> (i) <i>Must be integrated into new building forms and designed in a manner that complements the architectural quality of the building;</i> (ii) <i>Are to sit flush with the building façade;</i> (iii) <i>Are to be of a scale that complements the size of the building; and</i> (iv) <i>Are not to project above the predominant parapet line of the building.</i>
C4	<i>A landscaping plan shall be submitted and must consider:</i> <ul style="list-style-type: none"> (i) <i>The surrounding context;</i> (ii) <i>Other localised signage and its landscaping; and</i> (iii) <i>Screening opportunities.</i>
C5	<i>5m² of landscaping shall be provided for every 1m² of advertising space. The location of the proposed landscaping is to be agreed with Council prior to submitting the development application. If the above cannot be achieved, then 75% of the required landscaping must be onsite with 25% permitted s other public</i>

domain works.

- C6 Landscaping must complement the architectural elements of the structures achieving a high standard of visual resolution.*
- C7 Multiple signs are to be separated and placed at appropriate intervals to allow adequate space for landscaping.*
- C8 Three tiers of landscaping is required in all planted areas. Trees for upper level softening and scale reduction, shrubs for mid level screening, softening and colour and groundcovers for low level screening.....*
- C9 A minimum of 70% of the landscaping to comprise of natives suitable to the area's soils and climate.*
- C10 New landscaping shall provide a consistent green backdrop. Where opportunities for natural landscaping is not possible, landscaping structures such as green walls on existing and or new structures should be used to achieve the required landscape requirements.*
- C11 Trees shall be provided at the ends and behind of structure/s. The mature tree height shall be higher than the height of the sign and should soften the ends and corners of structures.*
- C12 All landscaped area shall have a fully automatic irrigation system installed.*

The provisions in this section are considered onerous and unreasonably restrictive. OMA members are willing to fulfill a public benefit contribution or local infrastructure contribution based on the cost to build the sign, part of which could be provided as landscaping, but the prescription of 5m² of landscaping is far too large an area when considering, for example, a standard 42m² sign. The OMA believe that such a change can only be appropriate in a situation where there is factual data and research to illustrate a significant detriment to the community.

SEPP64 offers alternatives for the provision of appropriate public benefit received for an advertisement. Section 4 of the Transport Corridor Outdoor Advertising Guidelines indicates that the contribution can be provided via a number of alternatives, including either a monetary or 'in-kind' contribution that is linked to improvements in community services and facilities. As such the OMA suggests that members could provide one of both of the following:

- A local infrastructure contribution that is calculated on the basis of the cost of construction of the sign;
- Some landscaping as part of the development of the sign, with agreed provisions depending on the cost of building the sign;
- A mixture of above, including limited landscaping and contribution, calculated on the basis of the cost of building the sign.

Currently, OMA members provide and maintain over 7000 items of public infrastructure (such as street furniture and bus shelters) to the value of \$90 million. This provides a considerable saving for local and state Government agencies, and a revenue stream back to Local Councils from these assets. The industry also provides over \$15 million worth of advertising space to charities and not-for-profit organisations, a large proportion of which are in NSW. By committing OMA members to such a substantial landscaping provision, it may lead to members having less capacity to provide ongoing benefits to the community and government.

Large Scale Advertising Structures - Area 1 & 2

This Part applies to land identified near the airport, which remains within the boundary of the BBDCP.

The OMA is concerned by the overly restrictive nature of this section. Provisions such as “*New free standing advertisements or advertising structures will not be permitted*” and “*no more than one advertisement per building*” ignore the potential for measured, merits based assessment of signage proposals.

The objective of this section could be addressed by providing for code based assessment where appropriate, and merit based assessment for the remainder. For example, the existing legislation which prohibits advertising in certain circumstances is inconsistent with available information as well as government contracts. Freeways and Tollways which have existing contracts regarding advertising (Eastern Distributor, M2, M4, M5 and Sydney Harbour Tunnel) are exempt from this provision, demonstrating that under certain conditions, advertising on Freeways and Tollways is safe and appropriate. The review of the NSW Planning System and the consequent shift towards performance based planning schemes provides a perfect opportunity to review, acknowledge and incorporate the conditions under which advertising on Freeways and Tollways is safe and appropriate in order to achieve nation-leading guidelines and regulations that deliver high quality advertising signage, sensitive to its’ context, cultural and environmental settings. This opportunity to update the provisions to increase compliance is fully supported by the OMA.

Another example relates to the regulation of advertisement size, specifically the control of larger signs. The OMA strongly believes that removing the visual clutter of a number of small signs and replacing these with one larger, higher quality sign of an industry recognised format is the preferred planning outcome. This is also in line with the objective of section 3D.10. One sign could then effectively cover all of the previous multiple advertisements, in a format proven to be more effective.

It is our view that the Airport Precinct should be deleted from the DCP and subject to a separate study given the enormity of existing investment in signage in that area, it is also defective as it ignores future possible changes in the road network around the Airport (Sydney Airport Ground Transport Development Concept) which is part of Sydney Airport Draft Master Plan 2033. In addition to which Botany Council are the beneficiaries of substantial revenue from those advertising assets.

Hensley Athletic Field

This section concerns the proposed redevelopment of the Hensley Athletic Field area, and recognises the role that large scale advertising can have in generating income to fund this redevelopment. The standards proposed are similar to the remainder of Part 3D in size, design and landscaping requirements.

The role of outdoor advertising as specified in this section appears to be in distinct contrast in attitude towards signage when compared to the Draft BBDCP 2013 as a whole. This section appears to recognise the significant role that outdoor advertising plays in the provision of community services, it encourages third party advertising signage as an income generation stream for the future development of the field in accordance with the Plan of Management.

This provision is evidence that Council considers third party advertising as a legitimate land use, and recognises the potential income generated. It would therefore appear Council are displaying selective application of this recognition by restricting this approach to Controls, to this single area alone.

Part 5 - Business Centres

Part 5 has the second most potential to impact OMA members, reinforcing the establishment of a general policy position by the City of Botany Bay to “maintain limited advertisements and business signage”. This attitude is in contrast to that emphasised in the Hensley Athletic Field provisions, as discussed above.

As stated in the OMA submission to the Green Paper, Schedule 1 of SEPP 64 provides “entirely relevant considerations underpinning a merit based planning assessment of a signage or advertising proposal. They are weighted appropriately to ensure that consideration is being given to the contextual fit of the proposal and the impact that it may have on maintaining the character of an area. They also address important considerations pertaining to traffic and pedestrian safety, illumination, occupational health and safety and the architectural integration of a sign with a host building” (p.26, OMA submission to the Green Paper).

The OMA reiterate this position in regards to the Draft BBDCP 2013.

Part 3B, 3L & 6

These Parts of the Draft BBDCP 2013 have the least impact on signage in the City of Botany Bay.

3B contains some clarification of Heritage related issues in conjunction with 3D.

3L clarifies that the Landscaping Plan required for development applications for large format advertisements must be prepared by a Consulting Arborist, Architect, Landscape Architect; and/or Specialised Landscape Architect for green walls as necessary.

Part 6 contains a small number of specific requirements for industrial premises. These are relatively standard practice.

Explanatory Information for SEPP 64 states that “The SEPP does not regulate the content of advertisements and signs and does not require consent for a change in content”. The OMA maintain that appropriate planning considerations for the assessment of advertising should be based solely on planning merit, not content, entirely in keeping with Schedule 1 to SEPP 64.

Consent Agreements

As per the OMA submission to the Green Paper, the OMA would support the replacement of the existing community benefit test provisions with a local infrastructure contribution or landscaping provision. The OMA would support this being calculated against the construction value of a sign. However, the OMA believes that this should not apply where consents are granted for the upgrade or replacement of existing signage structures that have previously been approved, both in regard to any financial contribution or the acceptance of any time limited consent. Such consents should remain, and not be subject to what would effectively be ‘backdating’ of legislation.

The OMA supports the introduction of a standard consent term of 15 years for all signage development applications and advertising related applications not utilising LED technology and a 20 year term be applied for advertisements and signage that utilise LED technology. These consents terms should not however apply to signage which has existing long term consent periods. It should be reiterated that the OMA do not support the introduction of any consent conditions that restrict content as content is currently regulated by the industry and this should be retained.

04 CONCLUSION

The proposed Draft Development Control Plan 2013 for the City of Botany Bay details the

establishment of a strong position by the Council on the matter of advertising signage. It is clear that a large portion of Council resources have been invested in background research for the preparation of the signage provisions for this Draft DCP. The OMA hopes to contribute to this process to offer a greater understanding of outdoor media as a legitimate land use and the value such assets can offer to Council.

In closing, the OMA offers these general summary recommendations:

- That the definitions contained in Clause 4 of SEPP 64 be adopted for use the BBDCP 2013 for consistency, clarity and ease of interpretation.
- All signs should be assessed on planning merit and not on content. Sign content, be it a business name or general creative copy, is irrelevant in any determination about the suitability of a sign in a given location. The content of a sign is not a planning consideration.
- Any proposed controls on signs need to reflect current advancements in technology and allow for appropriate upgrades including the emerging developments in digital signage, without changing existing consent terms.
- The landscaping requirements as currently drafted are considered quite simply, ludicrous. The OMA is not aware of such extensive landscaping provisions anywhere else in Australia and while we acknowledge the benefits the current requirements for large format signage is not practical.
- The OMA would support a local infrastructure contribution or public benefit contribution calculated against the construction value of a sign.
- In addition, the OMA seek clarification that the new controls will affect only new signage proposals, not signs that are currently in place, or that are the subject of pending development applications.

We look forward to the Council's review of our submission and welcome the opportunity to meet and discuss the issues raised.