

Report to the Future Melbourne Committee

Agenda item 6.5

Victorian Government Modernising Sign Requirements Discussion Paper – City of Melbourne Submission

24 October 2023

Presenter: Julian Edwards, Acting Director City Strategy

Purpose and background

1. The purpose of this report is to seek endorsement of the City of Melbourne submission (Attachment 2) to the Victorian Government Modernising Sign Requirements Discussion Paper (August 2023) prepared by the Department of Transport and Planning (DTP).
2. DTP is seeking feedback on proposed changes to planning requirements for signs at Clause 52.05 of planning schemes across the state including the Melbourne Planning Scheme.

Key issues

3. The Discussion Paper includes eight proposals that will make changes to the state particular provision for signs at Clause 52.05, which are focused on three key areas:
 - 3.1. Removing the need for a planning permit for certain types of signs in some areas.
 - 3.2. Allowing a planning permit to be granted for some signs that are currently prohibited.
 - 3.3. Updating and clarifying the sign provisions in the particular provision.
4. The City of Melbourne submission responds to the eight proposals, as well as providing additional insights into the importance of signage regulation through the planning scheme and unique context of the City of Melbourne.
5. The following is a brief summary of the City of Melbourne's submission to the proposed changes:
 - 5.1. Generally support of proposal to allow multiple real estate signs and construction signs to be displayed in certain circumstances (Proposals 1 and 4).
 - 5.2. Seeks further justification for proposal, to allow electronic real estate signs and increasing the length of period for a sign to be displayed to 21 days (Proposals 2 and 3);
 - 5.3. Generally support, subject to further clarification and guidance, proposals to allow signage on construction hoardings and shrouding; allow certain promotion signs in industrial zones and the Port Zone; and remove mandatory planning permit expiration dates for all signs with some exemptions (Proposals 5, 6 and 7).
 - 5.4. Do not support Proposal 8, to remove the ability to specify sign requirement in Design and Development Overlays.
6. The City of Melbourne assesses a high proportion of planning permit applications for signage, including business identification, promotion and wayfinding. While signage can make a positive contribution, if not appropriately managed some forms of signage can undermine the amenity of the public realm, including our world-renowned streets and laneways, the built environment, including heritage, and sometimes cause safety concerns by distracting road users.
7. While many of the changes proposed are supported in principle, a more holistic approach is needed to address the potential impacts of signage including the proliferation, signage types and technological advancements. An updated review is necessary to ensure planning guidance is clear, modern and meets the objectives of not detracting from the public realm and finds balance of providing information through business identification, promotion and wayfinding.

Recommendation from management

8. That the Future Melbourne Committee:
 - 8.1. Approves the City of Melbourne submission to the Victorian Government Modernising Sign Requirements Discussion Paper (August 2023) (Attachment 2 of the report from management).
 - 8.2. Authorises the General Manager Strategy, Planning and Climate Change to make editorial changes, corrections, formatting and design necessary to finalise the City of Melbourne submission on the Victorian Government Modernising Sign Requirements Discussion Paper prior to submission.

Attachments:

1. Supporting Attachment (Page 3 of 11)
2. City of Melbourne Submission: Modernising Sign Requirements Discussion Paper (August 2023) (Page 4 of 11)

Supporting Attachment

Legal

1. There are no direct legal implications arising from the recommendation from management.

Finance

2. There are no financial implications arising from the recommendation from management.

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

4. The health and safety of the community is central to the intent of the City of Melbourne's submission. Council seeks to protect life, property, public health, assets and the environment by ensuring the potential amenity and urban design impacts from signs is minimised.

Stakeholder consultation

5. DTP is inviting submissions from any organisation or individual affected by the proposed changes.
6. In developing the submission, officers have shared information and consulted with the internal planning teams.

Relation to Council policy

7. The proposed submission is generally consistent with the overarching strategic directions for the City of Melbourne as set out in the Melbourne Planning Scheme's Municipal Strategic Statement and Local Planning policy for Signs (Clause 15.01-1L-02).

Environmental sustainability

8. The proposed changes are not expected to have an impact on the consumption/generation of water, energy and greenhouse gases.

CITY OF MELBOURNE SUBMISSION: MODERNISING SIGN REQUIREMENTS DISCUSSION PAPER (AUGUST 2023)

October 2023

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2 Overview

The City of Melbourne welcomes the opportunity to provide feedback and comment on the Victorian Government's Modernising Sign Requirements Discussion Paper (August 2023). Given the emergence of new signage technologies and shifting business needs, it is an important step in establishing clear and modernised planning requirements for signage across the state.

As a capital city municipality, the City of Melbourne is the location for the highest concentration of economic, recreation, business, residential, educational and cultural activities in the State. Our city has many enduring assets including historic precincts, streetscapes, laneways, public spaces and buildings.

The City of Melbourne assesses a large number of planning permit applications for signs every year. Over 1130 planning permits for signs have been issued by council planning officers in the last 5 years, an average of over 18 permits per month. There are many types of signage present across the municipality, including business identification, promotion and wayfinding. While signage can make a positive contribution, if not appropriately managed some forms of signage can undermine the amenity of the public realm, including our world-renowned streets and laneways, the built environment, including heritage, and sometimes cause safety concerns by distracting road users. Given the number of applications assessed every year and the potential impacts on the municipality, clear and modern planning requirements for signs are necessary to both protect the community and ensure business needs for signs are met.

Advancements in sign technology are presenting new challenges. Signage is an area where technological advancements often supersede policy formulation. Signage is dynamic and methods, technology and production are always advancing. For example some signs can now serve multiple purposes and are increasingly becoming more interactive. The challenge for provisions and policy is to be progressive, flexible and 'keep ahead of' if not 'keep up with' industry demands and the impacts of signage so that its display and presentation is consistent with Council's objectives.

The City of Melbourne's high level response to the proposed changes is below, and is supported with further information in following sections:

- Generally support Proposal 1 and 4.
- Seeks further justification for Proposal 2 and 3
- Generally supports Proposal 5-7, subject to further work.
- Do not support Proposal 8.

3 City of Melbourne comments on proposed changes

The City of Melbourne is generally supportive of the proposed changes as outlined in the Modernising Sign Requirements Discussion Paper (August 2023). An assessment and comments on each of the proposed changes follows:

3.1 Proposal 1

Allow multiple real estate signs to be displayed on certain lots without a planning permit.

Amend the current planning permit exemption for a sign with a display area not exceeding 10 square metres publicising the sale or letting of the property on which it is displayed to allow:

- *a sign to be erected on each street frontage if the property is a corner allotment.*
- *a sign to be erected every 150 metres of street frontage for a large lot (up to 4 signs in total).*

The City of Melbourne generally supports Proposal 1, subject to the following recommendations:

- 3.1.1** That there is further assurance that the content of real estate signs are exclusively for the sale and letting of the site that they are displayed and not advertising other material.
- 3.1.2** Consideration of including a clearer definition for what constitutes a real estate sign to ensure the signs primarily relate to the sale or the letting of the property, rather than the real estate agency, for example. Sign terms at Clause 73.02 should be expanded to include a sign term and definition for a real estate sign.
- 3.1.3** Correcting the proposed inconsistent use of language which refers to both 'property' and introduces the term 'allotment' to instead use the phrase 'the property is on a corner'. Interpretation disputes have already occurred about the use of the term 'lots' in the existing provision, and introducing a third term is not considered helpful.

3.2 Proposal 2

Allow electronic real estate signs to be displayed without a planning permit.

Amend the current planning permit exemption for a real estate sign to allow an electronic sign to be displayed, if the sign's message or display is not changed more than once every 24 hours. Include that the lighting must be installed and maintained to ensure it is no greater than 0.25 cd/m² throughout the drivers' approach to or retreat from the sign(s).

The City of Melbourne is characterised by its ranges of density, including high density, and land uses, its commitment to achieve high quality design outcomes as well as celebrating its cultural and built heritage. These characteristics place the City of Melbourne in a unique context that is different to the rest of metropolitan Melbourne. In particular, high density areas such as the Central City may have a large number of vacancies at particular times, such as the present recovery from the pandemic, or when large new developments are completed with multiple commercial tenancies advertised for rent. Given this context, the proliferation of electronic signs has the potential to contribute to visual clutter and collectively add to potential amenity impacts that arise from artificial light sources, including poor sleep.

The City of Melbourne seeks further justification for Proposal 2, including the following matters:

- 3.2.1** The strategic justification for allowing electronic real estate signs without permits. The Discussion Paper notes that electronic signs which change message infrequently have a similar impact to illuminated signs- which are generally accepted forms of real estate signage that do not require a permit. However, the Paper does not explain why this deregulated approach would be desirable, particularly when considering the ease by which the brightness, content and animation of electronic signs can be adjusted relative to printed illuminated signs.
- 3.2.2** The reason for not including an explicit consideration of properties with multiple lots for sale or rent in high density areas. At present, the provision does not explicitly address where or how many electronic signs could be displayed without a permit on a single building if multiple lots are for rent, for example. The City of Melbourne is concerned that the ambiguity of the provision could lead to the proliferation of electronic signs upon the frontages of Central City streets.
- 3.2.3** How the potential amenity impacts of electronic signs will be prevented and mitigated (i.e. light spill in residential and environmentally sensitive areas). The proposed control only specifies lighting requirements for driver safety. While driver safety is of importance, consideration should also be given to the potential amenity impacts electronic real estate signs pose to residential amenity. Clearly defined lighting requirements that also protect residential health and amenity from electronic signs is required to ensure that the increased display of these signs does not result in widespread amenity impacts.

3.3 Proposal 3

Allow real estate signs to be displayed for 21 days after the sale or letting of a property without a planning permit.

Amend the current planning permit exemption for a real estate sign to increase the removal period to 21 days after the sale or letting of the property on which it is displayed.

The City of Melbourne seeks further justification for Proposal 3, including:

- 3.3.1** Further work is needed to expand the consideration of limiting potential amenity impacts associated with the electronic real estate signs as discussed at 3.2.3. When considering Proposal 2 and 3 together, allowing electronic real estate signs to be displayed for a longer period of time increases the likely potential for amenity impacts to the community. Clearly defined lighting requirements that also protect residential health and amenity from electronic signs is required to ensure that the increased display of these signs does not result in widespread amenity impacts.

3.4 Proposal 4

Allow multiple construction signs to be displayed on some sites without a planning permit.

Amend the current planning permit exemption for a sign concerning construction work on the land to allow:

- *a sign to be erected on each street frontage if the property is a corner allotment.*
- *a sign to be erected every 150 metres of street frontage of the property (so long as one frontage exceeds 150 metres, and only up to 4 signs in total).*

The City of Melbourne generally supports Proposal 4, subject to the following recommendations:

- 3.4.1** That there is further assurance that the content of construction signs are exclusively for construction work on the property that they are displayed and not advertising other material.
- 3.4.2** Consideration of including clearer definitions around what constitutes a construction sign. Sign terms at Clause 73.02 could be expanded to include a sign term and definition for a construction sign.
- 3.4.3** Correcting the proposed inconsistent use of language which refers to 'land', 'property' and 'allotment' to only use the term 'property'. As explained in 3.1.3, interpretation disputes have already arisen about the use of the term 'lots' as distinct to 'property'.

3.5 Proposal 5

Allow 25 per cent of the area of a construction hoarding and/or building shrouding on each street frontage to be used to display signs, without a planning permit.

Introduce a new planning permit exemption for signs on construction hoardings and building shrouding that allows signs to be displayed on 25 per cent of the area on each street frontage. A sign must:

- *relate to the development that is, or is proposed to be, constructed on the site*
- *not be animated, electronic, internally illuminated or floodlit*
- *be removed when the construction work is complete.*

The City of Melbourne generally supports Proposal 5, subject to the following recommendations:

- 3.5.1** That further clarification and guidance on the type of signs allowed under the exemption should be provided. The City of Melbourne is generally supportive of permit applications for non-illuminated signs displayed on hoardings given they are temporary in nature and present a limited potential for amenity impacts. However further clarification and guidance on the type of signs allowed under the exemption should be provided. Where exemptions from the need to obtain a planning permit are proposed, the need for further detail is necessary to provide clarity and avoid confusion from applicants and planning authorities.
- 3.5.2** A maximum area of the street frontage requirement be included, given the potential under the 25% area cap for very large signs on the sides of Central City towers without an assessment of their impact. The City of Melbourne suggests capping the area to ground level only or at a particular size (for example the size of a major promotion sign, which is 18 square metres). Major promotion signs are subject to assessment requirements under c152.05 commensurate with their scale and potential effects. In addition, the City of Melbourne's local Signs policy at c15.01-1L-02 provides specific strategies and objectives relating to wall signs, and signs in general, which should be considered in a permit application for larger signs on hoardings and shrouding.
- 3.5.3** That consideration be given to requiring any permissible signage to be accompanied by artwork (for example representing aboriginal history, building history or similar). The City of Melbourne would welcome engagement on how creative hoardings can be encouraged and adopted in the context of the proposed requirements (The City of Melbourne has an existing 'Creative Hoardings' program currently being trialled. The introduction of this permit exemption has the potential to discourage the uptake of creative hoardings under the trial.

3.6 Proposal 6

Allow certain Promotion signs to be displayed without a planning permit in industrial zones and the Port Zone.

Change category 2 to include Promotion signs with a display area of up to 8 square metres per premises in section 1 (no planning permit required), provided that the sign promotes matters on the land or in the building on which the sign is sited. This means that these signs will not require a planning permit in all category 2 zones (which is all industrial zones and the Port Zone).

The City of Melbourne generally supports Proposal 6, subject to the following recommendations:

- 3.6.1** Sign terms at Clause 73.02 should be expanded to include a sign term and definition for the two different types of promotion signs referred to in this proposal. The two different types of promotion signs should be referred to differently to ensure clarity between as of right and permit required.

For example:

Business Promotion sign defined as *a sign that promote goods, services, events or matters, provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.*

Third Party Promotion sign defined as *a sign that promote goods, services, events or matters, provided, undertaken or sold or for hire that are not on the land or in the building on which the sign is sited.*

The different Section 1 conditions for Promotion signs could lead to confusion when issuing a permit for a sign that meets only one of the conditions. For example, a permit granted for a 5sqm general promotion sign would need to have a preamble such as: 'Display of a promotion sign to promote goods, services, events or matters, provided, that are not undertaken or sold or for hire on the land.', to ensure it does not unintentionally imply permission for signs that exceed 8 square metres. Expanding the sign terms at Clause 73.02 for the two different types of promotion signs referred to in this proposal resolves this issue and would result in simpler permit preambles being required for signs that do not meet the permit not required conditions.

3.7 Proposal 7

Remove mandatory planning permit expiration dates for all signs except for Major promotion signs and Promotion signs that promote goods, services, events or matters not provided, undertaken or sold on the land or in the building on which the sign is sited.

Amend the requirements for expiry of signage permits at Clause 52.05-4 to exempt all signs except for Major promotion signs and Promotion signs that promote goods, services, events or matters not provided, undertaken or sold on the land or in the building on which the sign is sited.

The City of Melbourne generally supports Proposal 7, subject to the following recommendations:

- 3.7.1** That planning authorities retain the right to impose a permit expiration date on planning permits for signs when and where assessment of the proposed sign deems appropriate. While City of Melbourne supports the proposal to remove mandatory planning permit expiration dates for all signs, it is important to retain the right to impose permit expiration dates as a condition on permit for signs other than those specified as being mandatory.

The right to impose a permit expiry date on a planning permit for a sign is needed to ensure that where warranted, the appropriateness of the sign can be reassessed at some point in the future. This is particularly important in urban renewal areas and other areas within our municipality that are experiencing continued and significant change. The ability to impose an expiry date provides an opportunity for a planning authority to reassess the continued suitability of a sign as change occurs in a location.

3.8 Proposal 8

Remove the ability to specify sign requirements in the DDO.

Amend the DDO and schedule template (Ministerial Direction – the form and content of planning schemes) to remove the ability for planning authorities to specify sign requirements.

The City of Melbourne does not support Proposal 8 for the following reasons:

- 3.8.1** There are currently two Design and Development Overlay (DDO) schedules in the Melbourne Planning Scheme that specify sign requirements, these are Schedule 58 to Clause 43.02 Design and Development Overlay (312-332 St Kilda Road) and Schedule 60 to Clause 43.02 Design and Development Overlay (Special Character Areas – Built Form (Southbank)). These are examples of specific overlays that include some relationship to the Shrine of Remembrance and include a requirement to provide notice of sign applications to the Shrine of Remembrance Trustees.

4 Request for further updates

In addition to the specific comments about each proposal of the Discussion Paper, the City of Melbourne requests the Department consider the following additional changes to sign requirements:

- It is commonly understood that permit applications relating to signs are complex, and that the provisions of the VPP are outdated and require substantial reform. The City of Melbourne processes more than 18 permits for signs per month, and as such, improving the operation of the provisions has the potential to create real efficiency gains for Council's limited resources, and reduce costly disputes. It is recommended that holistic reform to the definitions and assessment of signs be undertaken to improve clarity and efficiency of these applications.
- This wider reform should consider the rate of technological change and move to new digital, electronic and projected signage technologies (also consider emerging fields in virtual reality and hologram advancements).
- The reform should address potential impacts of electronic and digital signs on amenity, and both human and wider ecosystem health.
- Reconsidering the requirements for replacement of existing signs at Clause 52.05-5. Specifically, providing further clarity by specifying this clause overrides all other requirements for a planning permit (e.g. Heritage Overlay).
- Ensuring the signage provisions adequately consider different contexts including public realm, transport infrastructure and other utility infrastructure beyond private freehold land.

It is hoped that this is a first step in a broader review of state signage provisions and policy to respond to current and emerging trends, ensuring a holistic approach to signage across Victoria. The City of Melbourne appreciates that more work is required and welcomes the opportunity to work with the Victorian Government on any future updates to signage provisions and policy.