

## OMA Submission to the MRWA Advertising Policy Review – Clause Analysis and Recommendations

The following table is an analysis of relevant sections and clauses in the MRWA's *Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves*.

Clause	Section/Clause Content	Comments	Suggested changes
2.1 Introduction	<p>"...Main Roads needs to be satisfied that such roadside advertising does not pose a potential safety hazard to road users who may be distracted or confused by the display of the advertising, or who may suffer injury as a result of colliding with advertising devices, or who may be prevented from observing traffic signs and other traffic control devices because of the location of advertising signs."</p> <p>"...ensure visual amenity available to State road-users in the form of natural scenic vistas, prominent city skylines, distinctive bridge architecture, etc, is not unduly compromised by roadside advertising."</p> <p>"The traffic hazard potential will vary depending upon the size, type of display, design and construction, and location of the advertising device."</p>	<p>While the OMA agrees that road safety is of paramount importance and understands that it underpins the MRWA's advertising policy, the introduction to the policy makes a number of assumptions about the "potential hazard" of advertising signs and uses fairly strong negative language to describe this.</p> <p>The OMA is concerned that a focus on such negative language gives the impression that advertising signs have an automatic negative impact on both road safety and community aesthetic, when in fact there is evidence that the opposite is the case. Roadside advertising contributes to local communities both economically and through public awareness raising. In addition, recent research indicates that the impact of roadside advertising on driver behaviour and road incidents could be neutral or even positive.</p> <p>For more detailed information on this, please see the accompanying OMA submission document and its appendices.</p>	<p>Where possible replace negative language with more neutral language, focusing on promoting safety and aesthetic, rather than avoiding a perceived threat.</p> <p>For example:</p> <p>"Main Roads needs to be satisfied that roadside advertising is complementary to the safe use of the road. This means ensuring that the advertising is suitable for the location and meets all safety requirements. It is also important to ensure that roadside advertising is located and maintained in a way that ensures clear and unobstructed viewing of traffic signs and other traffic control devices."</p>

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	<p>“...may not be potentially hazardous, in those areas where there are several similar devices, the cumulative effect of those devices upon the safety of the road user needs to be taken into consideration.”</p>		
2.3.1 Roadside Advertising Signs and Devices Within State Road Reserves	<ul style="list-style-type: none"> <li>• Billboard signs (including signs attached to overhead infrastructure)</li> <li>• Business signs (including portable business signs)</li> <li>• Promotional signs (excluding ‘gateway’ signs)</li> <li>• Temporary event signs</li> <li>• Illuminated street name signs</li> <li>• Signs attached to bus shelters, roadside seats and litter bins</li> <li>• Pole mounted banners and flags</li> <li>• Variable message signs (VMS)</li> </ul>	<p>Given the growth of innovation in the OOH industry, it would be useful to differentiate between static billboard signs and digital billboard signs. This would ensure that all parties are clear that digital signs are both permitted and specifically catered for within the policy.</p> <p>Furthermore, no consideration is given to pay phones, which also act as important road side street furniture advertisements. These should be explicitly included.</p>	<p>Replace:</p> <ul style="list-style-type: none"> <li>• Billboard signs (including signs attached to overhead infrastructure)</li> </ul> <p>With:</p> <ul style="list-style-type: none"> <li>• Static billboard signs (including signs attached to overhead infrastructure)</li> <li>• Digital Billboard signs (including signs attached to overhead infrastructure)</li> </ul> <p>and</p> <p>Replace:</p> <ul style="list-style-type: none"> <li>• Signs attached to bus shelters, roadside seats and litter bins...</li> </ul> <p>With:</p> <ul style="list-style-type: none"> <li>• Signs (static and digital) attached to bus shelters, payphones, roadside seats and litter bins...</li> </ul>
2.5 Advertising Standards	References to the Advertising Standards Bureau	Please note that the Advertising Standards Bureau has changed its name to Ad Standards.	Change all references to “the Advertising Standards Bureau” to “Ad Standards”

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2.5 Advertising Standards	Reference to advertising codes.	The Out of Home advertising industry is subject to a range of advertising codes in addition to those administered by Ad Standards. In terms of the content of advertising, this includes the <a href="#">OMA's self-regulatory code and policies</a> , the <a href="#">Alcohol Beverages Advertising Code</a> , the AANA's advertising codes and <a href="#">state legislation and regulation</a> .	The OMA recommends referencing the wider suite of advertising content regulatory codes to give a clearer picture of how closely regulated content on Out of Home advertising is.
3.1 General Safety and Efficiency Criteria	Roadside advertising devices are one of many stimuli confronting road users. The driver needs to assess the relevance of these stimuli to the driving task. Cognitive assessment of roadside objects or devices becomes more difficult as the level of the driver attention, distraction and decision making is increased. The general permission criteria for the display of advertising devices within the boundaries of, or visible from state-controlled roads are intended to ensure that: <ul style="list-style-type: none"> <li>• A high level of safety for road users is maintained</li> <li>• Traffic efficiency is assured</li> </ul>	<p>Please refer to comments above relating to the language used in the introduction.</p> <p>The OMA feels that assumptions are being made about the impact of roadside advertising on driver behaviour and road safety and this is reflected in the negatively of the language used. However, recent research suggests that roadside advertising does not negatively impact driver behaviour or road safety in this way.</p>	The OMA requests that more neutral language is used in relation to the impact of roadside advertising.

4.1.4.1 Display:  
Table 4.2 –  
Electronic  
advertising  
dwell times

Speed Limit or Operating Speed (km/h)	Dwell Time (sec)
110	20
100	25
90	25
80	30
70	35
60	40
≤50	45

The current dwell times for digital advertising in Western Australia are both overly complicated and excessively high.

Most states have either a single standard dwell time for digital billboards (VIC and SA) or have a dwell time for under 80km/h roads and another for over 80km/h speed limit roads (QLD and NSW). In both NSW and QLD, for example, the under 80km/h dwell time is 10 seconds and the over 80km/h dwell time is 25 seconds.

Another area in which WA's dwell time regulations differ from other states is that rather than the dwell time increasing for faster speed limit roads, as is the case in QLD and NSW, WA's dwell time decreases as the speed increases.

Research conducted by the ARRB for the OMA in 2018 assessed the impact of roadside advertising, including dwell times, on driver behaviour. This study, which followed the same methodology of the previous ARRB study conducted in partnership with MRWA in 2016, found that "...at all dwell times, vehicle lateral control performance either improved or was unaffected by the digital billboards' presence." With dwell times in the United States averaging 6-8 seconds and other jurisdictions such as the United

The OMA recommends that MRWA implements a standard dwell time of 10 seconds across digital roadside advertising.

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		<p>Kingdom trialing some partial animation, the 10 second dwell time advocated for by the OMA is reasonable.</p> <p>For a more detailed description of this and other relevant research on this topic, please see the accompanying OMA submission document and its appendices.</p>	
<b>4.1.6 Design, Construction and Maintenance</b>	Vegetation shall not be removed or trimmed to locate a billboard sign or to improve visibility to any proposed billboard sign. 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.	Vegetation management around outdoor advertising signs can become an issue at a local level if there is no clear Vegetation Management Plan in place. In these situations, it can be difficult for OMA members to manage vegetation if it encroaches on a sign. Given that safety issues can arise for road users if the visibility of the text is compromised from overgrown vegetation, and the secondary concern that commercial viability of a legally approved sign can be compromised, it would be beneficial to have a clear and simple process for vegetation management around signs set by the MRWA.	<p>The OMA recommends that this section be expanded to provide clear vegetation management guidelines and landscaping clauses.</p> <p>For example, an additional clause could be included to state that:</p> <p>“For legal signage with a valid permit, vegetation that encroaches on its visibility can be pruned or chopped as long as no more than 25 per cent of the foliage is removed from any individual plant (in line with the Australian Standard). The pruning or lopping should be conducted by an arborist qualified as an AQF Level 3. This does not apply for the pruning or lopping of the trunk of a tree or shrub.”</p>

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<b>4.5 Illuminated Street Name Signs</b>  <b>4.5.3.1 Display</b>	<p>The display of illuminated street name signs shall: Be restricted to static displays.</p>	<p>With recent innovations and technology improvements in Out of Home advertising, digital street name signs are now a more commonly seen option for roadside advertising.</p> <p>With this in mind, the current blanket ban on digital displays of this type of advertising is inappropriate and limits local revenue and awareness raising opportunities.</p>	<p>Expand the scope of illuminated street name signs to include digital displays. Detail the requirements – including luminance and dwell times – for digital street name signs to give a clear framework for the policy to be implemented locally.</p>
<b>4.6 Bus shelter, roadside seat and litter bin signs</b>  <b>4.6.3.1 Display</b>	<p>Bus shelter, roadside seat and litter bin signs shall:</p> <ul style="list-style-type: none"> <li>• be non-illuminated with the exception of bus shelter signs located within built-up-areas on roads with the posted speed limit of 70 km/h or less. Where applicable, the luminance level shown in Appendix B shall apply</li> <li>• have a total advertising content area on any one face not exceeding 2.5 m2</li> </ul>	<p>There is no commentary on digital street furniture signage such as bus shelters and payphones. This provides a lack of clarity and could lead to misinterpretation.</p>	<p>The OMA recommends updating this section to explicitly state that digital street furniture signage is permitted and to detail the requirements for that signage, particularly in terms of dwell times and luminance.</p> <p>We recommend that these requirements be aligned with those set for other digital signage and in line with the OMA's dwell time recommendation of 10 seconds.</p>
<b>5.3 Condition relation to Road User Safety</b>  <b>5.3.1 Display</b>	<p>Advertising displays that have the potential to unduly distract drivers due to their design form, orientation or physical size, or iridescence, lustre or brilliance of reflected light, shall not be permitted. Assessment shall be undertaken subjectively.</p>	<p>This clause creates a lack of clarity due to the element of subjectivity.</p>	<p>The OMA recommends that guidelines be developed to make the assessment criteria for this clearer.</p>