

# Townsville Council Advertising Code Review



## Submission from the Outdoor Media Association

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### 1 Introduction

The Outdoor Media Association (OMA) is the national industry body representing the majority of Australia's Out of Home (OOH) media display and media production companies, as well as some media display asset owners.

The OMA welcomes the opportunity to provide input into the review by Townsville Council (the Council) of the Advertising Devices Code (the Code).

We understand Council's desire to update the Code to cover newer technologies, particularly digital advertising devices. We recognise the Council's commitment to consultation and transparency in this process and we appreciate the opportunity to provide feedback on the Code.

### 2 Key issues

#### Drafting

There are a number of drafting errors through the proposed changes. This includes problems with grammatical flow of points (eg A01.1 (b)), which could create confusion in the meaning or interpretation of these points. In addition, there are a number of incomplete or incorrect references, such as references to table numbers that no longer exist in the document. Also, within Table 9.3.1.3(a) there is no P03, with P04 coming directly after P02.

We have assumed that these are drafting errors which will be checked and corrected in the proofing and finalisation process. Therefore, for the purposes of this consultation, we have provided no further comment on these issues.

#### 9.3.1.2 Purpose

Under Section 9.3.1.2, point (2a), the Council has made the following changes (red indicates new text):

*advertising devices are compatible with the character of the **surrounding** local area and do not **dominate or diminish** visual amenity*

In relation to the word 'surrounding', it is unclear what the purpose of this addition is. It does not add to the meaning or provide greater clarity. If the intention is to extend the area which is considered in relation to a sign, this is both unclear and unreasonable. The Council's requirements provide ample recourse for making assessments of the impact of a sign on the area in which it is situated. There is no

need to add words which serve no purpose other than to provide opportunities for disparate interpretations of the Code and thereby reduce transparency.

The same is true for the addition of the word 'dominate'. It is unclear what the purpose of this addition would be. Either a sign diminishes visual amenity or it does not. If a sign is able to dominate visual amenity without diminishing it, by having either a neutral or a positive impact, then there would be no visual amenity reason for it to be prohibited. The term 'dominate' is also very subjective, particularly with no clear definition. If in this case the word 'dominate' relates to size, either absolute size or size in proportion to surrounding objects such as the building which the sign is mounted on, then there are already specific requirements relating to this within the Code. Adding the word 'dominate' does not add meaning or function and should therefore be removed.

These two additions are replicated in Table 9.3.1.3a PO1 Performance outcomes. For the same reasons given above, these words should also be removed from this section.

### **Table 9.3.1.3(a) Accepted development subject to requirements and assessable development**

#### **PO1**

As detailed above, the words 'surrounding' and 'dominate' should be removed as they do not provide clarity or additional meaning.

#### **A01.5**

The out of home advertising industry is a major contributor to government revenue, with around 50 per cent of the industry's revenue returned to government through taxes, rents and other benefits.

In Queensland, the out of home advertising industry contributes over \$39 million directly to state and local governments through taxes and rents. In addition, in Queensland the industry provides over 5,570 items of infrastructure (bus shelters, way finding signs, tram stops etc) worth over \$56 million.

The prohibition on third party advertising in high and medium density residential zones precludes the opportunity for the Council and local communities to benefit from the resources, infrastructure and maintenance that outdoor advertising can provide.

The OMA therefore suggests that this section be edited to permit third party advertising on street furniture such as bus shelters, payphones and rubbish bins within these medium and high density residential zones.

The OMA suggests the following performance criteria and acceptable outcomes be adopted in relation to bus shelters and street furniture:

*Performance criteria: Advertising signs are compatible with the design of the bus shelter / street furniture and do not negatively impact nearby residents.*

*Acceptable outcomes: Advertising face  $\leq 2.5m^2$ . Advertising signs do not extend above height of bus shelter structure. Luminance of the advertising signs does not exceed the acceptable maximum for low light residential areas.*

## AO1.6

The added requirement in (b) for advertising devices in rural zones to be appropriately separated is unnecessary given that requirements for distances between devices are provided later in the Code and given the requirement under (c) for only one advertising device to be located on each land parcel.

## AO1.9

Under (d) the minimum distance between digital display devices is set at 500m. This is an excessively prohibitive distance and does not allow for the reality of modern signage. For example, the Code appears to apply equally to smaller signs and larger signs.

Research has shown that the majority of fixations (the way someone looks at a sign), occur within a distance of 100 metres from the sign. While the size of individual signs has an impact on how they are viewed, even a sign of 100sqm (more than twice the size of the largest permitted sign under the Code) only has a practical viewing distance of 140 metres. On the other hand, small signs, which are generally directed at pedestrians, are less visible and therefore do not require such distances between them.

Given this, the OMA recommends that the minimum distance between signs be amended to be in-keeping with standard best practice. We also recommend that the Code makes it clear that these distances apply to larger signs only.

We recommend adopting the following performance criteria and acceptable outcomes:

*Performance criteria: Advertising devices are separated by distance in all zones so that the character and amenity of the locality and existing view and vista corridors are not adversely impacted.*

*Acceptable outcomes: In the Rural Zone, freestanding Signs ( $\geq 20m^2$ ) have a minimum 300 metre separation distance within the same direction of travel.*

*In all other zones, a separation distance of 200 metres is required between freestanding signs ( $\geq 4m^2$ ) within the same direction of travel.*

*Where the topography of the environment creates a natural visual separation between two advertising devices, the separation distances in A6 and A7 do not apply.*

Under point (e) the maximum luminance levels have been changed to provide different levels for daytime, dawn/dusk and night time. While we agree that it is appropriate to differentiate between these timings, the luminance levels provided are only suitable for rural or residential areas, which have lower ambient lighting levels.

Setting luminance levels too low in areas with brighter lighting conditions impacts the readability of signs.

The OMA recommends that luminance levels be differentiated according to ambient lighting levels and lighting conditions, as is standard best practice.

### Recommended luminance levels and zones

| Lighting Condition | Zone 1 (very high off-street ambient lighting, eg display) | Zone 2 (high to medium off street ambient lighting) | Zone 3 (low levels of off street ambient lighting eg |
|--------------------|--|---|--|
|                    |  |   |  |

|                                 | centres, central city locations) |                 | rural areas, residential areas) |
|---------------------------------|----------------------------------|-----------------|---------------------------------|
| Full sun on face of signage     | Maximum output                   | Maximum output  | Maximum output                  |
| Daytime                         | 6000-7000 cd/m2                  | 6000-7000 cd/m2 | 6000-7000 cd/m2                 |
| Dawn/Dusk and inclement weather | 1000 cd/m2                       | 700 cd/m2       | 600 cd/m2                       |
| Night                           | 500 cd/m2                        | 350 cd/m2       | 300 cd/m2                       |

### A01.12

This point requires all freestanding higher impact devices to be provided with landscaping in certain zones. However, there may exist sites which would be suitable for a freestanding advertising device but in which landscaping would be inappropriate or unnecessary.

The OMA therefore suggests that this point be edited to provide Council with the ability to require landscaping to be provided where appropriate. This would ensure that this requirement was applied as required and did not hinder development where it would not be required.

### A02.1

This section limits third party advertising to certain zones, not including residential zones or community facility zones.

As mentioned in relation to A01.5, third party advertising is not only appropriate on street furniture such as bus shelters, it often pays for the development and maintenance of such street furniture, to the benefit of the Council and the local community.

The OMA therefore recommends that this section be edited to allow third party advertising on street furniture in all zones.

### A02.3

This section says that one digital advertising device can exist on a single property. This does not take into account the size or location of such a property. Large properties and those with multiple road faces – eg a large site on a corner could face onto two roads, one at the front and one to the side. Equally, a large site surrounded by roads would have four sides facing different roads.

Given that limits are placed to ensure the signs do not overly impact the visual amenity of an area, it would not be unreasonable for large sites to make use of their size by having appropriately distanced signs on different sides of the site or building, where they would not be visible from the other sides.

This would provide the owners and operators of large sites with an opportunity to make additional income from their sites. This could provide an important income stream for businesses, particularly during these economically straitened times.

The OMA therefore recommends that this point be edited to allow for multiple signs on larger sites and those with sides on multiple roads.

## A05.2

This point requires digital display advertising devices to be located at least 100m from a road with a speed limit exceeding 60km/hr.

Our understanding is that this has been mistakenly included in the belief that it is included in Queensland Department of Transport and Main Road's (DTMR's) Roadside Advertising Manual (RAM). However, this requirement is not in fact included in DTMR's RAM. In fact, the RAM provides for the opposite, requiring the entire advertising device to be located within the road reserve.

Locating signs at least 100m from a road with a speed limit exceeding 60km/hr is both unnecessary and impractical. Not only are digital roadside advertising signs regularly located within 100m of a roadside across Queensland and more widely across Australia, they are also regularly used to communicate important information and road safety messages to drivers.

In addition, strict traffic engineer assessments are required as part of the application process for permission to build new digital billboards, and any impact on road safety, including with reference to speed limits, is assessed as part of this process.

Given the above, it is clear that there can be no justification for this requirement within the Code, and the OMA strongly recommends that this point be removed entirely from the Code.

However, in further support of the removal of this point from the Code, it is also worth noting that the location criteria for billboards in the current Technical Guidelines for the RAM refer specifically to digital advertising devices that are greater than 4m<sup>2</sup> in size (billboards), not all digital advertising devices.

The RAM Technical Guidelines set conditions for these digital billboards, including distances between devices and dwell times, that are based on the speed of the road. Even on state controlled roads of 80km/hr or higher, the RAM sets lower requirements than for motorways or motorway standards roads.

The RAM provides additional requirements for "conflict areas", which are areas where greater driver concentration would be needed, eg intersections, important signs and merge lanes. This makes it clear than any stricter requirements should be focussed on these potential conflict areas, rather than applied to the entire road.

The OMA and our members are happy to provide further information or advice on this area as needed.

## P06

The wording of this requirement is excessively negative. We have seen in the past how such negative language can set the tone of application processes by mistakenly implying to frontline assessors that the Council is generally against the approval of digital advertising. Given the partnership that local councils have with the outdoor advertising industry, both as a public information platform and as revenue partners, it would be beneficial to remove the implied bias from the language used. We would recommend amending this point to say:

*Advertising devices containing a digital display are located, designed and operated in a way that aligns with the character and function of the area in which they are situated.*

## A06.1

Under this point, section (b) it says that a digital device can only be placed where it doesn't cause a nuisance or a distraction. This wording is very subjective and therefore provides a lack of clarity and transparency.

It is also unnecessary due to the key factors it attempts to address being covered elsewhere in the Code, particularly under A06.1 sections (c) and (d), which pertain to glare, reflecting or flaring of colours and potential safety hazard respectively.

With this in mind, it is worth noting that, in terms of audience, it is neither possible nor appropriate to account for the distraction levels of pedestrians or other non-drivers in determining the safety of a roadside digital advertising sign.

Further, in terms of level of distraction of drivers, studies have used eye movements to determine the safety of a secondary task, with eyes-off-road durations greater than 2 seconds found to significantly increase individual near-crash/crash risk, whereas eye-glance durations less than 2 seconds were found to not significantly increase risk relative to normal (Klauer et al., 2006).

Also in 2015, the OMA conducted an on-road study to explore the relationship between drivers' viewing behaviour towards outdoor advertising signs and their subsequent driving performance in a live, real world environment. The study showed that drivers maintain their focus on the road 78-79 per cent of the time, regardless of what signage is present. It also found that 99 per cent of fixations on advertising signs last less than 750 milliseconds, the minimum time needed by a driver to perceive and react to an unexpected event. Overall, the study showed that drivers maintained a safe average headway and there were no lane departures.

Given all of this, but in particular the subjective nature of the terminology and the aims of the point being covered elsewhere in the Code, we strongly recommend that A06.1(b) be removed.

## A06.2

Under this point in section (b), the Code requires dwell times - the time between advertisements changing - for digital advertising devices to be 10 seconds. We would recommend that this be adjusted to 8 seconds, to be in line with industry standards.

In 2018, the OMA commissioned research by the Australian Road Research Board (ARRB), this time focussing on an in-depth study of the impact of digital roadside signs at two intersections. The methodology of this study was based upon ARRB's previous research on behalf of MRWA assessing the safety of a digital billboard at Bull Creek.

The 2018 ARRB study tested a range of dwell times and the impact of these along with the presence of a digital billboard on driver behaviour and road safety. The results showed that, at all dwell times, vehicle lateral control performance either improved or was unaffected by the presence of digital billboards. Similar results were obtained for stopping over the line instances with five of the six dwell time combinations demonstrating an improvement. At both locations, the presence of the digital billboard appeared to have a positive effect on stopping over the line violations.

Under section (f), the Code requires for digital advertising devices to only contain one display screen. However, double sided advertising devices - both in terms of large billboards and smaller digital devices - are common and should not be

precluded. Bus shelters should also be taken in account and these structures often contain more than one double sided digital screen.

The OMA recommends that this point be removed. The Council should have the power to consider each application for a new digital sign on its own merit, including whether double sided and/or multiple signs are appropriate.

### **Table 9.3.1.3(c) Design parameters for advertising devices**

The OMA believes that the distances between signs detailed in this table are excessive and unrealistic.

We would recommend adjusting these distances to be more in line with other council requirements (eg Brisbane City Council).

In particular, the OMA recommends that the distances between digital signs be adjusted in line with the recommendations made above in relation to A01.9(d).

In addition, the distances between street furniture signs should be adjusted to account for bus shelters near large commercial developments and infrastructure such as hospitals and retail centres, where there may be more than one (non-adjointing) bus shelter in close proximity.

## **3 Conclusion**

The OMA thanks Townsville Council for the opportunity to feed into this consultation process.

If you have any questions or would like to discuss any aspect of the OMA's consultation response, please contact Emma Carr, General Manager, Government Relations on 0450 539 11 or at [emma.carr@oma.org.au](mailto:emma.carr@oma.org.au)