



Submission to the Standing Committee on Planning and Urban Renewal

Inquiry into Billboards

on behalf of Van Wagner Outdoor

20 June 2017

	A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE
SUBMISSION NUMBER	122
DATE AUTH'D FOR PUBLICATION	227/6/17

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20 June 2017

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Submission to the Planning and Urban Renewal Inquiry into Billboards

Dear Sir/Madam,

Thank you for the opportunity to provide commentary in relation to the Inquiry into Billboards. This submission is made on behalf of Van Wagner Outdoor, an internationally recognised outdoor advertising business seeking to expand into the Australian marketplace.

An introduction to Van Wagner's services and company background is provided at Appendix A, and we request that this appendix remains confidential in the publication of this submission.

Van Wagner confirm that they would be willing to attend a public hearing on this inquiry. Please do not hesitate to contact the undersigned in this regard.

Yours Sincerely,



Nichelle Jackson
Town Planner - Canberra Town Planning

Inquiry into Billboards

The submission details Van Wagner's considerations for billboard signage regulation in the ACT, and draws on their experience as an advertising provider in the United States of America.

In this document, Van Wagner's experience in delivering large format advertising in other jurisdictions is first outlined, followed by an introduction of successful signage regulations currently being implemented in other jurisdictions. Discussion follows of recent innovations within the advertising industry and the opportunities these innovations can create. Finally, the potential elements of an ACT regulatory framework for billboard advertising is presented.

1. Current rules and practices concerning billboard advertising

Existing regulations in the ACT

Van Wagner understand that signage within the ACT is currently regulated under the Signs General Code (March 2008) within Territory Plan areas, and through the Signs General Code within the National Capital Plan in National Capital Authority areas.

The National Capital Plan (NCP) defines a billboard as "*a sign erected for the purpose of advertising products or services which are not being offered on a site on which the sign is erected*". The Territory Plan does not define a billboard instead referring to such installations as "third party signage".

In Territory Plan areas, signage of various formats is permitted in most urban areas, however billboards (third party signage) are typically not permitted except for on the ground floor of buildings within commercial and industrial zones, and further limited to up to 2 square metres in size.

Under the NCP Signs General Code, the detailed conditions of planning, design and development specify that:

6. Any application for the use, construction or erection on or above the roof or top of any building of any device, advertisement, sky sign, sign, signal or structure of the nature of a sign or signal, excepting flags and flag poles, will not be approved where the proposal would alter any silhouette of the building by extension beyond or above the walls, parapet or roof of the building, lift tower or plant room.

7. Animated or flashing signs and signs illuminated by exposed lamps or neon tubes as distinct from backlighting or floodlighting, will generally not be approved.

And further,

Billboards are not permitted on unleased land in Designated Areas.

Effectiveness of existing regulations and enforcement measures

Current legislation effectively controls the design and location of signage throughout the ACT under the objective of ensuring all signage does not “compromise the role of the Territory as the setting of the National Capital”.

Van Wagner consider that the formulation of current signage regulations creates a missed opportunity in the market for creating a more active and visually interesting built environment, and discourages innovation in the delivery of public messages as enjoyed by other jurisdictions.

Their view is that the current legislation limits the potential investment by outdoor advertisers within the ACT, and more favourable planning controls that permit a broader range of signage typologies could be explored without jeopardising the civic character of the National Capital.

Comparative analysis of billboard regulation in other jurisdictions

Van Wagner wish to bring to the Committee’s attention two examples of their experience of providing signage in different jurisdictions: Washington D.C in the United States of America, reflecting a similar planning context to the ACT; and the US cities of Miami and Dallas, who have adopted signage programs aimed at achieving urban rejuvenation.

Similarly to Canberra, Washington D.C. plays an important role as the seat of government in the United States and the city has adopted stringent planning controls to protect its significant civic character.

In the early 2000s, the District of Colombia sought to control illegal advertising in the city, which led to the creation of designated sign districts. Within these districts, clear rules were developed in relation to the location, size and design of these signs- including specifying the ratio of text to imagery within such advertisements. Appendix B details the current signage legislation and approved special signage locations within the Washington D.C city district.

The regulations restrict signage within significant areas and on significant buildings, and provide opportunities to develop a Signage Master Plan for buildings or locations where multiple signs may be considered.

The District of Colombia implemented the *Special Signs Amendment Act 2001*, which specifies a cap on the number of billboard sign permits that may be issued by the city and a restriction on the transfer of these rights. Having a fixed number of permits provides certainty for authorities and the community that signage will be controlled and restricted to appropriate locations.

Another international example relevant for consideration are mural programs introduced in the cities of Miami, Florida and Dallas, Texas. The focus of these programs was on introducing strategic signage in the form of “murals”, designed to improve the public realm in decaying urban environments to attract investment and encourage urban rejuvenation in these areas. In these jurisdictions, legislation relating to

murals operates under a separate division to billboard regulations (City of Miami: City Code Regulations, Division 5, City of Dallas: Development Code 3.6.075).

The primary message delivered by murals is closer to public art than advertising: the City of Miami defines murals as *'painting or artistic work (including collage effects) composed of pictures or arrangements of color which has a limited commercial sponsorship message, advertises a commercial product and which is made directly onto, projected onto or attached to a building or a wall'*. Mural permits are limited in number and the conditions on their design and placement are strictly controlled (refer to Appendix C for details).

Van Wagner consider there is an opportunity to explore mural signage as part of an expanded "billboard" typology within the ACT.

Definition of billboard

2. Community views on placement and construction of billboards

Van Wagner appreciate that advertising does not belong everywhere, and billboard signage should be considered at appropriate locations such as within commercial centres.

It is suggested that an assessment of suitable locations could be undertaken that considers the context, local character, existing and potential future uses of an area, safety and visual impact considerations. From this assessment, criteria could be developed and the proposed locations verified through community consultation. This would ensure that future signage is consistent with government and community expectations, and provide certainty for advertisers who wish to establish assets in the ACT.

3. Merits and challenges of establishing designated areas for billboard advertising

Impact on business and community organisations

Van Wagner consider that broadening the permitted location and size of billboards could have a positive impact on business and community organisations in the following ways:

- Potential to adopt new technologies that allow changing messages at different times of the day and year, improving the ability to connect with a broad cross-section of the community through sign messaging;
- Potential for municipal governments to allocate space and time to advertise community events and messages through adoption of these new technologies;
- Potential for digital displays to effectively deliver urgent communications to the public, for example, emergency or community service announcements;
- Potential to promote local artists, particularly through digital media;
- Opportunity to diversify municipal government revenue sources, and to engage in public-private partnerships that generate non-revenue benefits for municipal governments;

However, there are some implementation challenges to consider for the development of a signage permit process. To ensure equitable access to advertising space and allay any concerns about market control, it will be important to limit the number of permits available to any one entity; conversely, a restriction on the allocation and subsequent transfer of signage permits may reduce the marketability of these assets, which may prevent the uptake of permits.

Use of new billboard technology

The evolution of digital technology and communication in recent years has led to innovations in billboard technology, providing the flexibility for signage providers to interact with the public through multiple messages. This can be achieved by enabling changeable displays, and providing opportunities in certain pedestrian environments for the public to interact with displays through social media. Refer to Appendix A for examples of these types of signage.

Van Wagner note that ACT signage legislation discourages the use of animated or flashing lights, however they consider that there is potential to review this control to permit digital displays that achieve road safety and visual amenity outcomes. Modern displays incorporate new lighting technologies that minimise light spill and provide opportunities for message rotation.

A number of studies have been undertaken on the road safety impacts of roadside sign displays, and these studies incorporate guidelines on the design and location of signage¹. Van Wagner's experience in other Australian jurisdictions is that assessment of road safety impacts can be undertaken by relevant consultants as part of the approval and licensing process.

On this matter, the NSW Government's 2015 Draft Transport Corridor Outdoor Advertising and Signage Guidelines at section 2.5.8, though not yet having statutory effect over the current 2007 guidelines, provides detailed criteria for the consideration of digital signage in an Australian context (refer to Appendix D).

Potential to enliven urban areas

In permitting greater flexibility in the design and location of billboard signage, the ACT could improve the visual interest of its urban streetscapes, such as in Civic and other Town Centres as a means to create urban vibrancy, similarly to mural programs introduced in Miami and Dallas. Van Wagner considers the strategic introduction of billboards into the ACT would help deliver on two of the objectives outlined in the 2015 Statement of Planning Intent:

- Delivering high quality public spaces and streets through placemaking: by creating vibrancy within the public realm; and
- Delivering an outcome-focused planning system to reward design excellence and innovation: through encouraging innovative signage ideas that create good design outcomes

¹ AUSTRROADS (2013) 'Impact of Roadside Advertising on Road Safety'

Some examples of signage Van Wagner have successfully delivered in other jurisdictions are included in Appendix A. These examples showcase the design diversity of signage opportunities that Van Wagner has delivered in other locations that have been successfully integrated into urban environments. It is noted that not all of these signage typologies may be suitable in the context of Canberra; however some ideas could be well adapted for appropriate urban locations within the ACT.

4. Potential elements of billboard advertising regulation

Referring again to legislation implemented in the United States and Van Wagner's international experience in the outdoor advertising market, it is considered that billboard signage could be effectively regulated in the ACT by adopting the following measures:

- Identification of areas appropriate for billboard signage, clearly identified within relevant planning control documents. It is suggested that these areas could include high advertising impact locations within commercial zones that have been prequalified as appropriate for signage.
- Implementing a capped permit system that limits the total number of billboard signs that may be permitted within the ACT, and further limits the number of permits that can be held by a single provider.
- Introducing controls that provide clear and specific guidance on the size, format and illumination of billboards.
- Instating a permit application process where design criteria must be met for all proposed billboard signage, such as the criteria presented in the NSW 2015 Draft Transport Corridor Outdoor Advertising and Signage Guidelines.
- Expanding the billboard typology to include murals to create new exhibition and messaging opportunities for the community.

Conclusion

In summary, Van Wagner consider there are opportunities to review and expand the current ACT signage legislation. In considering billboard signage regulations operating successfully in other jurisdictions, they believe that mechanisms could be developed that both create new opportunities for the market whilst continuing to support the role of the Territory as the setting of the National Capital.

It is expected that this submission has clearly outlined the merits and challenges of establishing areas for billboard signage and presented some ideas for consideration in the ACT.

Appendix A – Van Wagner Introduction (CONFIDENTIAL)

Appendix B – Special Signage Regulations: Washington DC, USA

Appendix C – City Code Regulations – Division 5 Murals: City of Miami, Florida USA

Appendix D – Draft Transport Corridor Outdoor Advertising and Signage Guidelines (Dec 2015)