



Draft Cairns Regional Council Local Law No. 4 (Advertising Devices)

22 December 2015

Submission from the Outdoor Media Association

01 ABOUT THE OUTDOOR MEDIA ASSOCIATION

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

Part of the role of the OMA is to develop constructive relationships with State and Local Governments and to contribute to the process of developing policies, laws and regulations for outdoor advertising that are both fair and equitable to governments, the community and the industry.

On behalf of its members, the OMA advocates for planning systems across Australia that deliver the following:

- o The recognition of outdoor advertising signage as a legitimate land use;
- o The removal of the distinction between 'on-premise' and 'third-party' (referred to in this document as 'off-site') signage in planning policy and local laws;
- o Provision of a set of fair and reasonable development standards that are appropriate for signage land use; and
- o Provision for the responsible display of outdoor advertising signage within urban centres and along transport corridors.

OMA members advertise 'third-party' products on billboards, free-standing advertising panels, buses, trams, taxis, pedestrian bridges and street furniture (including bus/tram shelters, park benches, public toilets, phone booths and street kiosks). OMA members also display advertisements in bus stations and train stations, at shopping centres, universities and airport precincts.

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02 OMA SUBMISSION TO CAIRNS REGION PLANNING SCHEME 2014

In December 2014, the OMA made a submission to the draft Cairns Region Planning Scheme (refer Attachment A). In it the OMA highlighted its support for the inclusion of an *Advertising Devices Code* (Section 9.4.1). In particular, the OMA supports the recognition in the introductory section (Section 9.4.1.2) of “...*the legitimate need for enterprise to advertise.*”

The OMA raised a number of concerns with the code, including:

- The statement within Section 9.4.1.2 that “*the use of billboard signage is limited*” and;
- The requirement for the main types of advertising devices used by our members, including billboards, to be impact assessable.

The OMA submission outlined the value of the industry to the Queensland economy and community, and invited the Cairns Regional Council to undertake further consultation to ensure this new Planning Scheme did not negatively impact the industry. It also highlighted the Queensland Government’s commitment to streamlining assessment and approval processes and removing unnecessary red tape, as set out in the Sustainable Planning Act 2009 (SPA) Draft Planning Note on Advertising Devices (Refer Attachment B). For example, by preventing:

- regulatory duplication, such as where the same aspects of advertising devices are regulated in both local laws and planning schemes
- inappropriate level of assessment, such as impact assessment where code assessment, self-assessable or exempt may be more appropriate.

No further consultation was sought and the OMA’s suggestions were disregarded.

03 FEEDBACK ON LOCAL LAW NO. 4 (ADVERTISING DEVICES) 2016

The proposed Local Law on Advertising Devices further contradicts the Government’s commitment to removing red-tape.

3.1 Part 3 Prohibited advertising devices

Section 9.1 prohibits the following type of advertising device:

- (c) off-site advertising except where undertaken on a not for profit basis, and in areas zoned as Community Facilities, Open Space, Specialised Centre or Sport and Recreation in the Cairns Region Planning Scheme

This Section seeks to regulate content by prohibiting the display of ‘off-site’ advertising except in very limited locations. However, the SPA Draft Practice Note clearly states that since the content of advertising is regulated through advertising industry codes, and must not contravene or infringe any laws, content should not be regulated in local law.

This content restriction placed in Local Law No. 4 is not supported by the OMA. It is important to point out that the issue of content is not a planning related matter, but an industry matter. Content is regulated through strict compliance with the standards and codes, administered by the Advertising Standards Bureau (ASB). The role of planners in relation to OOH advertising is not to assess content but to assess the development components of a signage proposal in terms of the sign’s structure (size and height) and location.

The OMA believes that ‘on-premise’ advertising and ‘off-site’ advertising should not be treated as separate types of development and should be assessed against the same criteria. The use of a separate definition for ‘off-site’ advertising is not supported by the OMA. This is supported by the Draft SPA Planning Note which states that the use of sub definitions of advertising devices is considered as ‘inappropriate’.

3.2 Part 4 Advertising devices not requiring a permit

Section 10 outlines the following permitted advertising devices:

(b) the installation, erection or display of the advertising device by, or on behalf of, the local government

The OMA is concerned that this provision is anti-competitive. There appears to be a contradiction, as there is no clarification that Council cannot install off-site advertising devices. If this provision does allow Council to install otherwise prohibited advertising devices and potentially gain revenue from their display, the OMA will conduct further consultation on the legality of what appears to be an anti-competition clause.

The OMA advocates for regulation of advertising devices that is fair, appropriate and transparent.

3.3 Part 5 Removal of advertising devices

Section 12 notes that an advertising device may be removed ‘without prior notice to the owner’ if found to be in contravention of this local law where there are ‘adequate reasons for removing’ the device. The ‘adequate reasons’ are defined as ‘likely to cause distraction of pedestrian or vehicular traffic’.

The OMA would suggest that these adequate reasons are too broad and unless there is an immediate safety risk, the owner of an advertising device should be notified prior to its removal.

3.4 Other Feedback

The OMA advocates for the inclusion of performance criteria/outcomes for digital advertising signs. In the past five years the use of digital signage has grown across Australia. Currently digital technology makes up over 27.8% of total OOH advertising revenue and it will continue to grow. The Queensland Government has worked with the OMA to develop guidelines around digital signage which are included as part of the ‘Department of Transport and Main Roads ‘Roadside Advertising Guide 2013’’. Similarly, the Brisbane City Council has prepared ‘Technical Guideline for Advertisements with Illumination &/or Electronic Display Components’. Digital technology is increasingly being used given its flexibility, creativity and versatility; it is important that its use is acknowledged and guided within planning documents.

04 VALUE OF 'OFF-SITE' ADVERTISING TO THE QUEENSLAND ECONOMY AND COMMUNITY

Advertising and marketing play a fundamental economic role in Australian society and in 2014 the OOH industry raised revenue of \$602.1 million, making up approximately 5.2% of advertising spend in Australia.

The out of home industry also plays a considerable role in the Queensland economy. In 2013, the OMA engaged Deloitte Access Economics¹ to estimate the economic contribution of the out of home industry in Queensland for the calendar year 2012. The Deloitte research found that in Queensland in 2012 the out of home industry:

- o Employed 150 full time equivalent staff;
- o Raised revenue of \$115 million;
- o Made a value added contribution to the Queensland economy of \$42.6 million;
- o Contributed an estimated \$10.43 million to the upkeep of public infrastructure; and
- o Donated a considerable amount of money and free advertising space to charities and 'not for profit' organisations.

The industry provides, maintains and cleans public infrastructure at no cost to local government, including bus shelters, footbridges, public toilets, bicycle stations and park benches.

Outdoor advertising is a highly cost effective advertising medium that provides an effective platform for local businesses to promote their goods, services and events to the community as well as the tourist drive market. The same positive outcomes for small business owners would be difficult to achieve using other less targeted and usually higher cost advertising mediums. Many of the OMA's Queensland members are themselves independent small businesses.

In addition to providing affordable advertising to local businesses, the OMA's members also make contributions back to the community each year. In 2014, the industry donated over \$22 million in free advertising space to community campaigns promoting education, the arts, sports and charitable organisations. Outdoor advertising is also widely used by government bodies to advertise community messages such as road safety messages and health awareness campaigns.

The OMA is concerned that the Local Law No. 4 proposed by Council will negatively impact small businesses in the region – both our members' businesses and those that make use of OOH advertising – and the community campaigns that are supported by our industry.

¹ Deloitte Access Economics, Contribution of the Outdoor Media Industry (Queensland), published 2013

05 CONCLUSION

OMA members are committed to working with Council to develop an advertising policy that ensures all advertising structures, regardless of size or content, are located in areas permitted by Council and that they are well integrated with the urban and environment of the Region.

However, as outlined above, the OMA has significant concerns about Local Law No. 4 and the negative impacts it would have on OMA members' core business activities.

The OMA appreciates your time in considering this submission and looks forward to the opportunity to work with the Council to ensure the appropriateness of Local Law No. 4 and its provisions to regulate outdoor advertising throughout Cairns.

We would welcome the opportunity to further discuss the issues raised within this submission. Please contact the OMA's Town Planner, Cathy Towers via email, cathy.towers@oma.org.au or by telephone on 02 9357 9900, should you have any questions.

ATTACHMENT A

OMA Submission to the Cairns Region Planning Scheme

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ATTACHMENT B

Sustainable Planning Act 2009 Draft Planning Note on Advertising Devices