



2 August 2016

Mr Dale Dickson
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Your File No: LG222/365/17/02/08 (P3)

Dear Mr Dickson

City of Gold Coast Subordinate Local Law No.16.8 (Advertising Devices) 2016

Submission from the Outdoor Media Association

01 INTRODUCTION

Thank you for inviting the Outdoor Media Association (OMA) to participate in the public consultation process and public interest test for the City of Gold Coast Subordinate Local Law No.16.8 (Advertising Devices) 2016. The OMA has had ongoing engagement with the City of Gold Coast and provided written comments for the draft City Plan on 20 August 2014 (copy attached).

The OMA understands that the City will now regulate advertising devices exclusively through Local Law No.16 (Licensing) 2008 and proposed Subordinate Local Law No.16.8 (Advertising Devices) 2016 (subordinate local law). The OMA recognises that the City has sought to reduce the complexity of the application process for advertising devices by seeking to regulate through the local law process and not the City Plan.

We are pleased to see that a number of the comments made by the OMA on the draft City Plan about advertising regulation are now reflected in the proposed subordinate local law.

02 BACKGROUND

Advertising and marketing play a fundamental role in the Australian economy and are significant drivers of economic growth, contributing some \$40 billion of value in 2014. This means that advertising is responsible for driving approximately 2.5% of GDP. For every person directly employed by advertising, another three people are reliant upon advertising for their jobs. Over 200,000 people in Australia are employed due to advertising.¹

¹ 2016, Deloitte Access Economics, *Advertising Pays - The Economic Employment and Business Value of Advertising*

The OMA is the peak national industry body representing 90% 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 for outdoor advertising that are fair and equitable to the industry, governments and the community.

OMA media display members advertise third party² products on both digital and static signs across a variety of OOH formats and locations. This includes airports, bicycle stations, billboards, buses, bus stations, cafes, doctors' surgeries, free-standing advertisement panels, medical centres, office buildings and lifts, pedestrian bridges, railway stations, shopping centres, taxis, trams, universities and street furniture (bus/tram shelters, public toilets, telephone booths and kiosks).

In Australia, the OOH industry also provides some 17,664 public items of infrastructure to the community, including pedestrian bridges, bus shelters, kiosks, phones, park benches and bicycles. Total replacement value for this infrastructure was estimated to be around \$352.0 million in December 2014.³

The OOH industry also plays an important role in supporting the arts, sports and charitable organisations and is widely used by government bodies to advertise community messages such as road safety messages and health awareness campaigns. In 2015, the industry donated advertising space valued at more than \$34 million to more than 160 charitable and community campaigns.

03 COMMENTS ON PROPOSED SUBORDINATE LOCAL LAW

The OMA offers the following comments on the proposed subordinate local law for consideration by the City:

1. The objective (Clause 3 (1)) of the proposed subordinate local law is generally supported.
2. Clause 6 (2) of the proposed subordinate local law makes a distinction between 'on premises' and 'third party' advertising devices and this is not supported for the reasons outlined in the OMA's submission to the City Plan (dated 20 August 2014 – refer page 3, paragraph 4). It is the OMA's position that all types of advertising device should be assessed against the same criteria.
3. Clauses 7 (d) of the proposed subordinate local law states that an application for a licence for the operation of an advertising device must be accompanied by details of the advertising device including its **content**. This is not supported by the OMA, again for the reasons outlined in the OMA's submission to the City Plan (dated 20 August 2014 – refer page 3, paragraphs 1 and 2). Content is regulated through strict standards and codes administered by the Advertising Standards Bureau (ASB). The role of local government in relation to advertising devices is not to assess content, but to assess the development components of the sign in terms of location, structure and building compliance.

² Advertising for a product or service not associated with the premises upon which it is located. The land or asset owner allows an Outdoor media display company to display an advertisement for a third party company or product.

³ 2016 Deloitte Access Economics, *Out-of-Home Adds Value: Out-of-Home Advertising in the Australian Economy*

4. Clause 8 – (Deciding application for a licence) sets out the assessment criteria for an advertising device. The OMA would argue that the use of phrases such as ‘will not unreasonably’ (sub clause f) and ‘will not significantly’ (sub clause g) are subjective in nature and should be replaced with more objective assessment provisions.
5. Clause 8 (l), which sets out the luminance provisions for advertising devices, should be amended to make it clear that illuminated signs include digital signs, particularly in relation to sub-clause 8 (l)(vi) which states that “the illumination of the advertising device is static”. Digital signs display static images which change to display different advertisements over a period of time. For example, the Queensland Roadside Advertising Guide (Edition 1.2) August 2013, states that each of the individual advertisements displayed on an electronic billboard must be displayed for a minimum amount of time (the dwell time). The dwell time for a device visible from a state-controlled road with a speed limit of 80km/hour or greater is 25 seconds. For a state-controlled road with a speed limit of less than 80km/hour the dwell time is 10 seconds.
6. The OMA supports the intent of Clause 8 (l) that an illuminated advertising device must not create a nuisance or hazard and must not have an unreasonable impact on the amenity in the locality. However, the OMA does not support the maximum luminance levels for advertising devices set out in Clause 8 (l) (iv) as these luminance levels are not sufficiently bright to allow for day-time legibility. Digital billboards are designed to adjust the brightness of the advertisement display to reflect ambient light levels.

Regulations for digital signage luminance vary from State to State. However, the OMA has developed the following best practice guidance for luminance levels in conjunction with an industry expert.

Lighting Condition	Zone 1	Zone 2	Zone 3
Full Sun on Face of Signage	Maximum Output	Maximum Output	Maximum Output
Day Time Luminance	6000-7000 cd/m ²	6000-7000 cd/m ²	6000-7000 cd/m ²
Day Time Luminance (during morning, evening, twilight and inclement weather)	1000 cd/m ²	700 cd/m ²	600 cd/m ²
Night Time	500 cd/m ²	350 cd/m ²	300 cd/m ²

Zone 1 covers areas with generally very high off-street ambient lighting, e.g. central city locations.

Zone 2 covers areas with generally high to medium off-street ambient lighting.

Zone 3 covers areas with generally low levels of off-street ambient lighting e.g. most rural and residential areas.

The Queensland Roadside Advertising Guide (Edition 1.2) August 2013 suggests the following luminance levels for varying lighting conditions, with the final levels to be based on the site specific requirements:

- Daytime - 6000 cd/m²
- Dawn/Dusk - 600 cd/m²
- Night - 300 cd/m²

7. The provisions of Clause 8 – (Deciding application for a licence) need clarification to clearly state which sub clauses take precedent over others. For example, in deciding an application for a ‘third party freestanding billboard’, which of the three provisions (sub clause (n) a freestanding sign, sub clause (p) a billboard sign or sub clause (al) a third party sign) takes precedence? In addition, the OMA advocates for provisions that allow for the size and height of signs to be assessed on a site by site basis. The wording for the relevant clauses should be “the height and sign face area of the advertising device should be appropriate for its position and location.”
8. Clause 8 (al) (v) should be amended to state that the advertising device is the only third party advertising device situated within a **200m** radius of the premises on which the advertising device is displayed, rather than a 500m radius.

The OMA is aware that there is a concern within the community about an over proliferation of billboard signage along transport corridors. However, the industry does not support a multitude of signs in anyone location as this weakens the commercial impact and viability of the advertising signs.

04 PUBLIC INTEREST TEST

The OMA supports the proposal for the City to conduct a public interest test to identify possible anti-competitive provisions identified in the proposed subordinate local law.

In regard to this, the OMA has noted that the provisions of Clause 6 (1) (c) – Exemption from requirement for a licence, do not provide for a level playing field for the consideration of third party advertising devices on public vs. private land. This clause states that a licence is not required for the operation of an advertising device, including a third party advertising device, if it is displayed in a public place and authorised in writing by local government. The example given for this type of exemption relates to meeting local government funding obligations for the Commonwealth Games, but does not say whether this would be for permanent or temporary advertising device and this should at minimum be clarified.

05 CONCLUSION

The OMA thanks the City of the Gold Coast for the opportunity to participate in this public consultation process for proposed Subordinate Local Law No. 16.8 (Advertising Devices). If any further information is required on the role of the OMA, or the contents of this submission, please contact Cathy Towers, Planning and Policy Officer, on 02 9357 9901 or email cathy.towers@oma.org.au.

Yours sincerely



Charmaine Moldrich
Chief Executive Officer

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