

23 October 2015

Mr Greg Chemello
Deputy Director-General, Planning Group
Better Planning for Queensland
Department of Infrastructure, Local Government and Planning
PO Box 15009
City East Queensland 4002

bestplanning@dilgp.qld.gov.au

Dear Greg

Better Planning for Queensland – Draft Planning Bills

Introduction

The Outdoor Media Association (OMA) is pleased to be participating in the planning reform process for Queensland. The OMA's Senior Policy Adviser attended the 2015 Planning Summit in Brisbane on 28 July 2015 and the OMA has also written to the Deputy Premier, Ms Jackie Trad about the Better Planning for Queensland Directions Paper. A copy of our letter to the Deputy Premier is attached for your information.

The purpose of this letter is to provide specific comments in relation to the Draft Planning Bills, which are currently open for public comment.

Background

The 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 for outdoor advertising that are fair and equitable to governments, the community and the industry.

The OMA has had a long term engagement with planning policy in Queensland. Under the former Integrated Planning Act (IPA) 1997, there was an Implementation Note for Advertising Devices that provided instructions and guidance for councils as to how to prepare their local planning schemes for outdoor advertising signs. While this was not a statutory document the industry relied on this as it stated that there could not be regulation of content in planning schemes.

The Department of State Development, Infrastructure and Planning (DSDIP) worked on a similar Practice Note following the introduction of the Sustainable Planning Act (SPA) 2009. Unfortunately, the adoption of the Practice Note has continued to be delayed and this has led to a number of negative outcomes for the industry. There are inconsistencies in the way that local government regulates outdoor advertising devices under the SPA, with some Councils using a planning scheme to regulate advertising and some Councils using a local law.

The OMA also has an established relationship with the Local Government Association of Queensland concerning issues relating to the industry and how to best work together with local councils.

Value of the Industry to Queensland

The outdoor advertising industry plays a considerable role in the Queensland economy. In 2012 the industry employed 150 full time equivalent staff; raised revenue of \$115 million and made a value added contribution to the Queensland economy of \$42.6 million.

Local businesses in Queensland place great importance on billboard advertising. It is a highly cost effective advertising media that provides an effective platform for businesses to promote their goods and services to the community as well as the tourist drive market.

The OOH advertising industry in Queensland differs from other states in that there are more independent members working in a range of different regional and metropolitan areas. Queensland has a much higher rate of local and regional advertising campaigns compared to other states, indicating that outdoor advertising has a considerable positive impact for local business owners and operators in the state.

Issues of Concern Relating to the Draft Planning Bills

The OMA engages at both the state and local government levels in regard to issues relating to the planning and development of outdoor advertising devices. The OMA has met with a number of past and present Planning Ministers and Ministerial staff, provided comments on the Draft Practice Note on Advertising Devices and has made submissions to regional planning schemes across Queensland.

As a result of this ongoing engagement the OMA has identified some general areas of concern regarding the regulatory framework around the assessment of outdoor advertising devices and the different ways in which local governments in Queensland interpret and implement regulations.

The OMA considers that the current planning review process provides an opportunity to address these issues. The key issues of concern and where they fit within the planning review process are outlined below:

1. Draft Planning (Consequential) and Other Legislation Amendment Bill

Over a number of years the OMA has advocated for Councils to use planning schemes rather than local laws to assess applications for advertising devices.

Section 37 of the Local Government Act 2009 allows Councils to address advertising devices through a local law. This means that some Councils use a local law to assess applications for advertising devices, whilst other Councils use planning schemes.

The OMA believes that it was originally the intent of the Queensland Government to regulate advertising devices under planning schemes. Section 37 of the Local Government Act makes provision for local government to use a local law for the regulation of advertising devices "*until the local government decides to prepare its next IPA planning scheme.*"

In recent months the OMA has been advised by some Queensland Councils that they will be continuing to assess applications for advertising devices using local laws, rather than a planning scheme. These Councils have advised the OMA that, upon referral of the draft planning scheme to the Minister, the State Government has raised no issues with removal of advertising device provisions from their planning schemes and the provisions to be contained within a local law.

The OMA does acknowledge that in some cases the use of a local law to regulate the development of advertising devices does work very effectively, as in the case of Brisbane City Council.

The OMA however, would usually support the use of planning scheme rather than a local law for the assessment of advertising devices because development provision in planning schemes can provide more clarity for our members in relation to policy. In addition, planning schemes can provide a more consistent approach across Council areas for the assessment of advertising devices. The OMA has noted for example, that the Draft Planning Bill proposes statutory processes which are clear, with identifiable timeframes and benchmarks for the assessment of development applications.

The OMA also notes that Part 35 of the Planning (Consequential) and Other Legislation Amendment Bill does not amend Section 37 of the Local Government Act 2009 to stop the control of advertising devices through a local law. The OMA therefore, submits that consideration is given for a further amendment to Section 37 of the Local Government Act to require the control of advertising devices through a planning scheme, rather than a local law.

2. Draft Planning Regulation

The OMA understands that the Department is not consulting on the Draft Planning Regulation until after the Draft Bills have been introduced to Parliament. The OMA would however, like to make comments on the Draft Planning Regulation at this time as a review of this document raises concerns about the future treatment of the assessment of advertising devices within the broader planning reform process. The OMA would like to raise the following issues:

(1) The importance of the planning system recognising outdoor advertising signage as a legitimate land use

The Draft Planning Regulation defines an advertising device as an Administrative term rather than an actual land use. The OMA considers that an advertising device should be a defined land use, and that a Model Code should be included as part of every planning schemes to enable the full and proper assessment of this important land use, which has a significant impact on the economy.

The OMA has prepared a Model Code for the assessment of advertising devices in all Council areas in Queensland. The DSDIP was consulted on the draft Model Code in 2012 and provided support for the overall intent and formation of the draft Model Code and provided comments on the draft.

(2) The adoption of the DSDIP Draft User Guide - Advertising Devices

The DSDIP issued a draft User Guide, under the Sustainable Planning Act 2009, to provide clarity about the role of planning schemes in regulating advertising devices. The OMA participated widely in the consultation process for the User Guide. The primary objectives of the User Guide were as follows:

- to ensure no regulatory duplication (e.g. same aspects of advertising devices regulated in both local laws and planning schemes); and
- to ensure there is no inappropriate regulation under a planning scheme, such as:

Setting an inappropriate level of assessment (e.g. impact assessment where code assessment may be more appropriate);

An inconsistent level of assessment between Council planning schemes;

Regulating the content of advertising devices; and

Using sub-definitions of different types of advertising devices, and applying different levels of assessment for each sub-definition.

The OMA is highly supportive of the User Guide being adopted as part of the planning reform process to help remove any inappropriate regulation practices for advertising devices, including the common practice of having different assessment criteria for 'on-premise' and 'third-party' advertising.

Recommendations for the Planning Reform Process

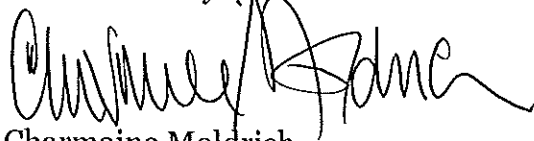
The OMA would like to see provision for the following issues to be addressed as part of the planning reform process:

- The recognition of outdoor advertising signage as a legitimate land use and the development of planning policy for advertising signage that is both fair and equitable to governments, the industry and the community.
- Consideration of an amendment to Section 37 of the Local Government Act to require Councils to use planning schemes rather than local laws for the regulation and assessment of advertising devices.
- The Department of State Development, Infrastructure and Planning's draft User Guide for Advertising Devices to be finalised and become a statutory document for local government.

Thank you for the time that you have taken to review this submission. Should you wish to discuss any of the issues raised in more detail, please contact either myself or the OMA's Senior Policy Adviser, Tess Phillips on 02 9357 9900.

We would also be pleased to arrange a time to meet with you to so that we can provide more detailed information about the contribution of the industry to the economy and community, and to discuss the challenges and opportunities it faces with the current planning system in Queensland.

Yours sincerely



Charmaine Moldrich
Chief Executive Officer

Enc.