



Australian Government
National Capital Authority

Reference: 319962

The Committee Secretary
Standing Committee on Planning and Urban Renewal
GPO Box 1020
Canberra City ACT 2601

committees@parliament.act.gov.au



A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE	
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Dear Committee Secretary

Inquiry into Billboards

The NCA welcomes the opportunity to provide a submission to the Standing Committee on Planning and Urban Renewal's Inquiry into Billboards. This letter provides background to the role of the NCA and its interest in the inquiry. Attachment A addresses Terms of Reference numbers 1, 3 and 4.

The National Capital Authority (NCA) secures the continuing Commonwealth interest in the planning and development of Canberra and the Australian Capital Territory (ACT) as the National Capital. The NCA, a statutory agency established under the *Australian Capital Territory (Planning and Land Management) Act 1988* (the Act), has prepared and administers the National Capital Plan (the Plan) to ensure that Canberra and the Territory are planned and developed in accordance with their national significance.

At its broadest level the Plan prescribes land use controls across the whole of the Territory. At its most detailed level, the Plan sets out detailed conditions of planning, design and development for those areas identified as having the special characteristics of the National Capital.

The NCA and its predecessors have long maintained policies concerning signage in Canberra and the ACT. These policies have restricted the type, location and form of signage in areas where the Commonwealth has an overt interest in planning and design. The NCA seeks to uphold these policies and ensure that signage does not proliferate as is common in other cities.

I and other officers of the agency are prepared to appear at a public hearing if required.

Yours sincerely

Malcolm Snow
Chief Executive
6 July 2017

Building the National Capital in the hearts of all Australians

Term of Reference No. 1

Current rules and practices concerning billboard advertising, including:

- a. the rationale for existing regulations in the ACT***
- b. the terms of the existing regulations in the ACT***
- c. the effectiveness of the existing regulations and enforcement measures in the ACT***
- d. a comparative analysis of billboard regulation in other jurisdictions***
- e. the definition of 'billboard' when compared with definitions for other signage.***

The National Capital Authority's response to this Term of Reference focusses on points a to c. It firstly examines the areas of the ACT over which the NCA has a direct role in regulating (and therefore where the NCA can overtly influence the nature of signage) and the mechanisms by which the NCA exercises this regulation. The response subsequently details the NCA's current policies concerning signage and the rationale behind these policies. Finally, the response examines whether these policies have been effective in regulating signage.

In most cases, the response refers to signage in general due to limited policy directly concerning billboards. This provides a suitable overview of the NCA's policies in respect of signage and outdoor advertising.

Under the current planning framework, the National Capital Authority (NCA) has the capacity to directly influence the nature and character of signage within Designated Areas, and in areas subject to 'Special Requirements' such as along Main Avenues and Approach Routes, and in the City Centre.

Designated Areas are those areas identified as having the special characteristics of the National Capital. In deciding the extent of Designated Areas, three primary factors are relevant:

1. Canberra hosts a wide range of national functions – activities which occur in Canberra because it is the National Capital and which give Canberra a unique function within Australia.
2. The Griffins' strong symbolic design for Canberra Central has given the National Capital a unique and memorable character.
3. Canberra's landscape setting and layout within the Territory have given the Capital a garden city image of national and international significance.

These three factors have resulted in Designated Areas comprising Lake Burley Griffin and its foreshores; the National Triangle and adjacent sites; the balance of the Central National Area (CNA) adjoining the Lake and Triangle, and extending from the foot of Black Mountain to the airport; sites set aside solely for diplomatic use; the Inner Hills which form the setting of the CAN; and the Main Avenues and Approach Routes between the ACT border and the CNA (refer Figure 1).

Within Designated Areas, the NCA has responsibility for setting planning and design policy and approving all works. The definition of 'works' includes the construction of structures, such as signs. The NCA therefore approves all aspects of signage in Designated Areas, including location, size, and content (graphics, wording, colour, etc).

Directly in relation to 'billboards', the Plan defines the term 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*'. There is however, only one provision in the Plan which specifically refers to 'billboards', as follows:

'Billboards are not permitted on unleased land in Designated Areas'.

Other signage in Designated Areas is assessed against comprehensive signage policies contained in the Signs General Code of the Plan. The Signs General Code recognizes that carefully designed and positioned signs, in addition to fulfilling their roles of informing, directing and advertising, may positively enhance and enliven Canberra's major commercial and tourist areas and aid in giving imageability and form to the city. Conversely, insensitive or poorly designed and constructed signs may detract from the architectural appearance of buildings and adversely affect the pleasantness and general amenity of an area to a marked degree.

General policies are therefore concerned with ensuring that the quality and character of signage within Designated Areas is befitting of the National Capital. The NCA will not approve any sign where it is of the opinion that any characteristic of the sign may adversely affect the amenity of a locality or neighbourhood with particular regard to nearby residential development, the architectural character or appearance of a building, traffic safety, or a heritage place.

For areas of Territory Land subject to Special Requirements, the NCA sets planning and design policy through either the Plan, or Development Control Plans (DCPs). The ACT Government is responsible for administering these policies through their development assessment process. The Territory Plan requires that where development proposals are subject to Special Requirements under the Plan, the development must not be inconsistent with the Plan and any relevant DCP.

The commentary below outlines planning regulation concerning two such areas subject to Special Requirements, being Main Avenues and Approach Routes, and City Centre.

Canberra's Main Avenues and Approach Routes have historically been subject to rigorous planning scrutiny, and care has been taken to ensure that suitably high standards of development and landscaping have been observed. A traveller's first perception of a city's character is gained upon approach and arrival. When arriving in Canberra it is important that the traveler is immediately aware of the special symbolic and functional significance of the National Capital.

The road reservations of the Main Avenues and Approach Routes are within Designated Areas, and land flanking a number of the Main Avenues and Approach Routes must conform to Development Control Plans (DCPs) agreed by the NCA¹.

¹ Development on land flanking the following Main Avenues and Approach Routes must conform to a Development Control Plan agreed by the National Capital Authority: Northbourne Avenue, between Antill/Mouat Streets and Barry Drive/Cooyong Street; Adelaide Avenues, outside the Central National Area, Canberra Avenue, between Hume Circle and the Central National Area, Brisbane Avenue outside the Central National Area, Constitution Avenue, the Barton and Federal Highways from the ACT borders to their junction with Northbourne Avenue, and extending to include Northbourne Avenue north of Antill/Mouat Streets; the Monaro Highway from the ACT border to Morshead Drive; Canberra Avenue from the ACT border to Hume Circle; Pialligo Avenue from the ACT border to Morshead Drive; Fairbairn Avenue.

Specifically in relation to signage along Main Avenues and Approach Routes, the Plan states that:

'Signs will generally comprise traffic, directional and visitor information signs, and unnecessary duplication will be avoided. Commercial roadside signs are not permitted in road reservations, except on bus shelters. Non-commercial signs may be permitted where they comply with the requirements for signs set out in the Signs General Code'.

In summary, signs in the road reservations of the Main Avenues and Approach Routes is generally limited to traffic, directional, and visitor information signage. Where DCPs are in place, planning and design provisions restrict the size and type of signage permitted. Billboard-style signage is not permitted. These policies have created a situation whereby when arriving in Canberra, the focus is on the immediate landscape and views to distant hills, rather than commercial advertising.

The NCA also has an interest in City, and the Plan contains Special Requirements for the area identified in [Figure 2](#). The ACT Government's interest in City relates to City's role as the prime commercial and retail centre and as a location for Government administration, major private sector business, regional and metropolitan head offices, recreational and entertainment, tourist accommodation and important cultural community activities.

The Commonwealth's interest in City is different and relates to City's multi-faceted role as the most importance metropolitan centre, as the apex of the National Triangle, a location astride an important entrance route to Canberra and the Parliamentary Zone, and a significant element in the physical structure of central Canberra.

Special Requirements in the Plan do not prohibit signage, however Special Requirements do seek overall consideration of height, colour, materials, and architectural and environmental quality. The policies are aimed at ensuring that City's continued development is of a harmonious and high quality nature, consistent with its role and its location within the Central Basin in general, and its relationship with the Central National Area in particular.

Policies of the Plan, and of the NCA's predecessor the National Capital Development Commission, have largely been effective in preventing the proliferation of billboard or other commercial advertising and associated clutter often seen in other jurisdictions.

Term of Reference No. 3

Merits and challenges of establishing designated areas for billboard advertising, including:

- a. impact on business and community organisations***
- b. use of new billboard technology***
- c. potential to enliven urban areas***

The NCA is aware of the potential offered by billboard advertising, including in creating brand awareness, reaching large audiences, and generating income for advertisers. In some instances, particularly where digital signage is used, billboards and other signage has contributed to creating a sense of place (the obvious examples being Times Square in New York, and parts of Tokyo).

The NCA is also cognizant of the contrasting views that billboard advertising (indeed any form of outdoor advertising) tends to occupy public space, can dominate architecture and the civic landscape, and is displayed to a captive unrestricted audience. Primarily, these views suggest that public space should be for people, and not dominated by commercial advertising and interests.

The NCA would not be willing to cede any Designated Area for the purposes of establishing a 'zone' for billboard advertising. The NCA would also not be willing to vary its current approach to development on land adjacent to Main Avenues and Approach Routes to facilitate such a zone. This is due to the special nature of these areas and their role in the careful planning and design of Australia's National Capital.

Term of Reference No. 4

Ways in which elements of billboard advertising could be regulated in the ACT to limit environmental or aesthetic impact, including number, size, location, advertising periods and content.

The NCA's response to this Term of Reference briefly explains the current regulation of advertising generally as the NCA understands it, with references to out-of-home or outdoor advertising (which includes billboards) as appropriate. The response then examines the role the NCA plays in this regulatory framework and whether this remains a sound mechanism for regulating billboard advertising in the ACT.

Advertising content in Australia is self-regulated by industry. The current system of self-regulation was established by the Australian Association of National Advertisers (AANA) in 1998, and is intended to provide an effective and efficient way for advertisers to engage with consumers and to respond to consumers' concerns about advertising. Self-regulation of the advertising industry has been achieved by establishing a set of rules and principles of best practice to which the industry voluntarily agrees to be bound².

The Advertising Standards Bureau (ASB) is key in the self-regulation of advertising in Australia, together with the Advertising Standards Board and the Advertising Claims Board.

The self-regulatory system exists within the framework of relevant Commonwealth and State or Territory legislation. There are a number of voluntary codes, in addition to the AANA Code of Ethics, that apply to advertising as a whole or specific to an industry or product. The ASB administers the majority (but therefore not all) of these codes.

The current legislative framework requires that advertising content must comply with the *Competition and Consumer Act 2010* (Cth). Advertising of particular products may also be regulated by legislation, such as tobacco products under the *Tobacco Advertising Prohibition Act 1992* (Cth).

Governments at the state, territory and local level regulate advertising signage and position in terms of public safety (including road safety), planning laws, and visual impact. Private and third-party outdoor advertising must comply with council regulations regarding placement.

The NCA's regulation of out-of-home advertising falls within this final category of regulation, whereby out-of-home advertising must comply with planning laws established by the NCA through the Plan. The NCA has successfully managed the number, nature, content of distribution of signage through detailed principles and policies under the Plan, and maintains that this framework offers a sound approach to limiting environmental or aesthetic impact, including number, size, location, advertising periods and content.

The NCA's regulation of billboards and signage within Designated Areas is straightforward. Under the *Australian Capital Territory (Planning and Land Management) Act 1988*, the NCA must approve all works in Designated Areas.

² Advertising Standards Bureau, 2017, *Self-regulation*, <https://adstandards.com.au/about/self-regulation>, accessed 21 June 2017

As noted in the response to Term of Reference No. 1, the Plan contains comprehensive signage requirements that effectively limit the number, size, location and content of signs. The NCA has the capacity through the works approval process to limit advertising periods (for example, by granting temporary works for a specified period of time).

The use of the planning system to regulate billboards and other out-of-home advertising, primarily the location of such, was recognized by the Australian Government in response to the 2008 inquiry into the Sexualisation of Children in the Contemporary Media by the Senate Environment, Communications and the Arts Committee. While this inquiry was not focused on outdoor advertising, a number of submissions to the inquiry expressed concern about the exposure of children to sexual innuendo and material contained in billboard advertising³.

A recommendation of the committee was for the Advertising Standards Board to rigorously apply standards for billboards and other outdoor advertising to more closely reflect community concern about the appropriateness of sexually explicit material and the inability of parents to restrict exposure of children to such material. The Government responded that the placement of outdoor advertising is within the purview of local and/or state government planning authorities⁴.

The NCA is of the view that regulating signage of all sorts through the planning system is an effective way to limit environmental or aesthetic impact, including number, size, location, advertising periods and content. This does however, rely on planning laws requiring development applications to be submitted for signed, and compliance with these laws.

3

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Completed_inquiries/2008-10/sexualisationofchildren/report/index, accessed 21 June 2017

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http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Completed_inquiries/2008-10/sexualisationofchildren/report/index, accessed 21 June 2017

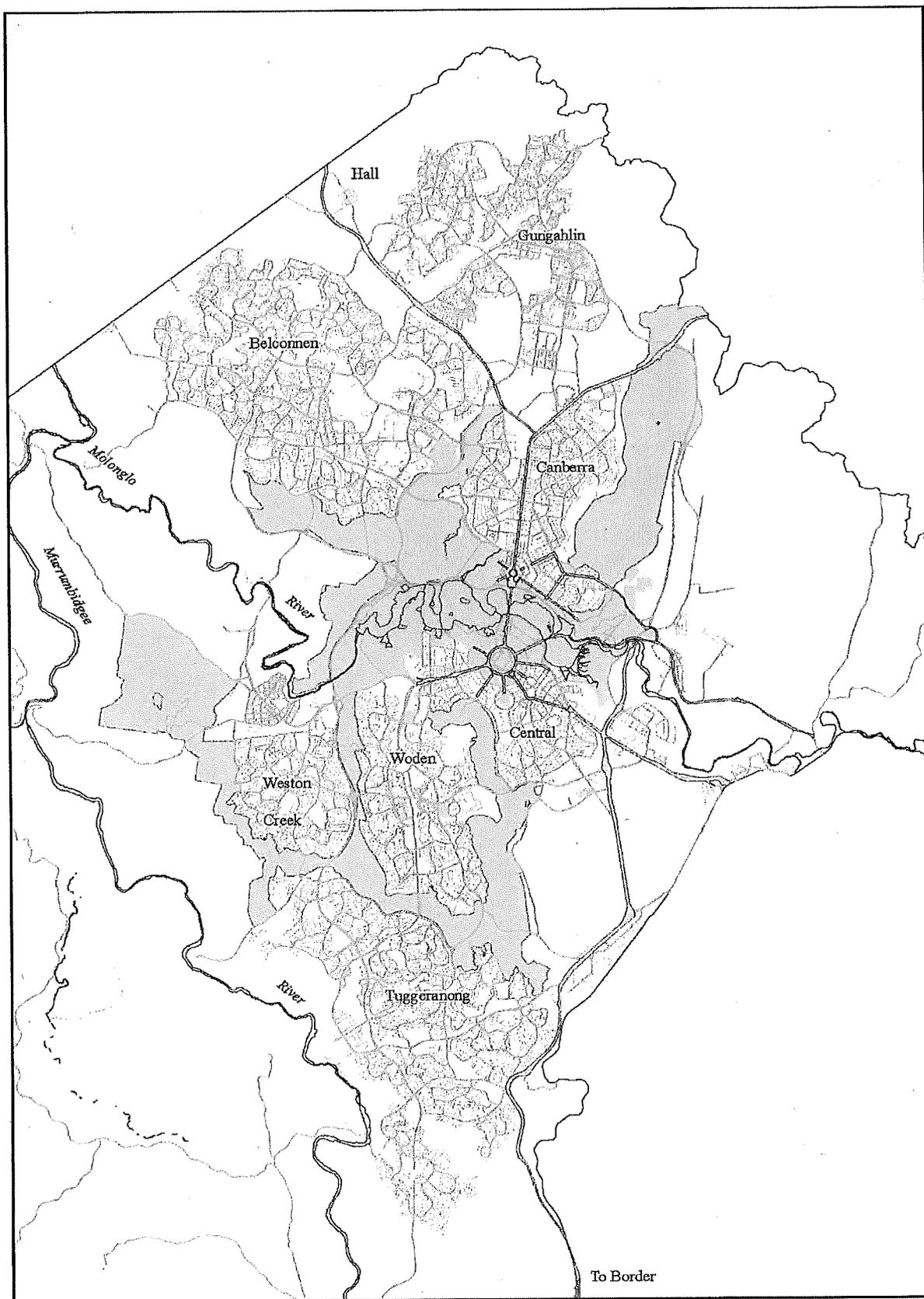


Figure 1: Map showing Designated Areas

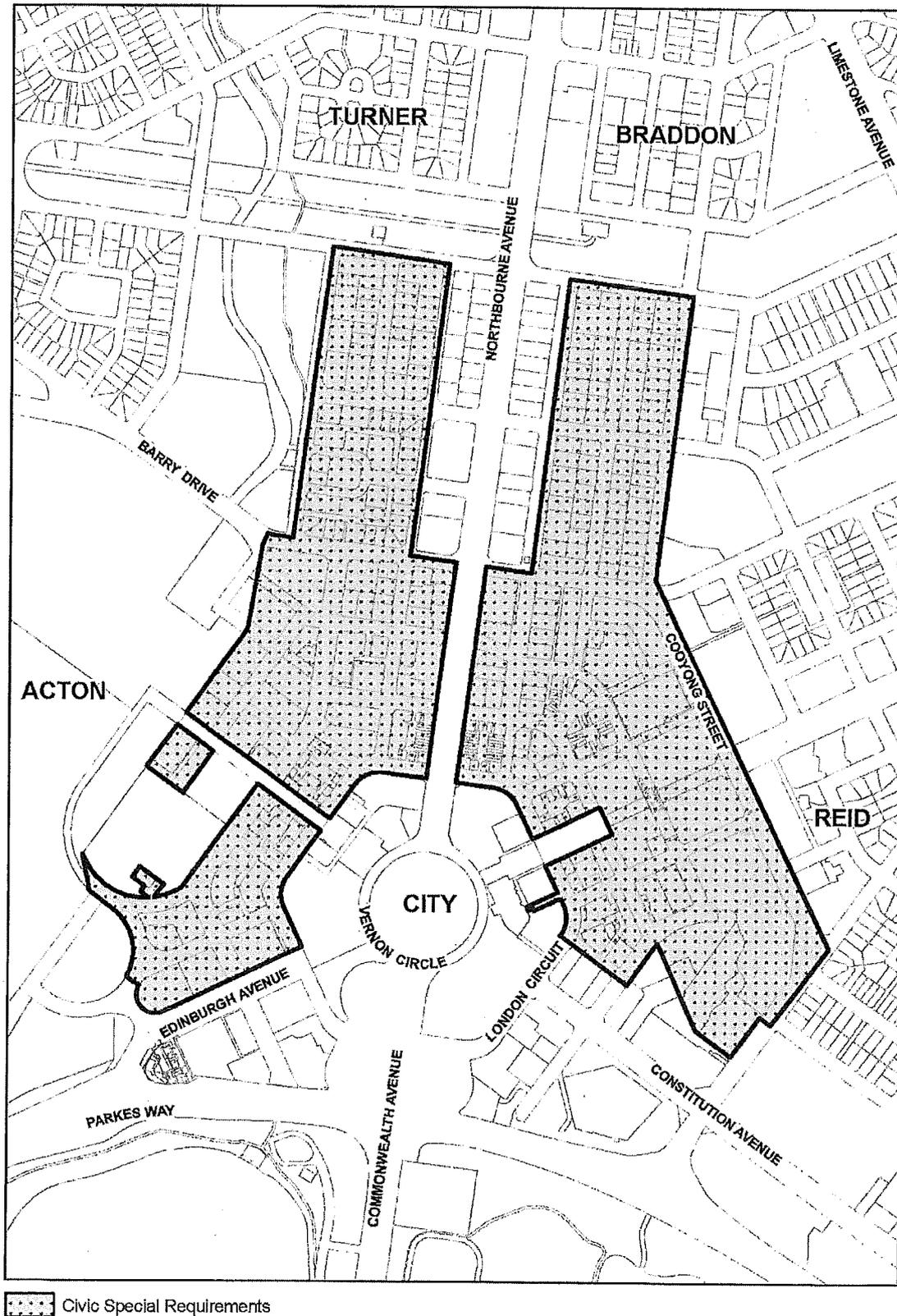


Figure 2: City Centre Special Requirements