

INQUIRY INTO BILLBOARDS

STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL

OCTOBER 2017

REPORT 2

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RESOLUTION OF APPOINTMENT

On 13 December 2016 the Legislative Assembly for the ACT (the Assembly) when it created Standing Committees for the Ninth Assembly, resolved at Part 1(f) of the Resolution that there would be a:

Standing Committee on Planning and Urban Renewal to examine matters relating to planning, land management, the planning process, amendments to the Territory Plan, consultation requirements, design and sustainability outcomes including energy performance and policy matters to support a range of housing options.¹

On the same day, the Assembly also resolved at Part 3 of the Resolution that:

If the Assembly is not sitting when the Standing Committee on Planning and Urban Renewal has completed consideration of a report on draft plan variations referred pursuant to section 73 of the Planning and Development Act 2007 or draft plans of management referred pursuant to section 326 of the Planning and Development Act 2007 the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.²

TERMS OF REFERENCE

On 30 March 2017 the Assembly was informed that the Standing Committee on Planning and Urban Renewal had resolved to conduct an inquiry into billboards for outdoor advertising in the present — Ninth — Assembly, including into:

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; and
 - e. the definition of 'billboard' when compared with definitions for other signage;
2. Community views on placement and construction of billboards;
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; and

¹ Legislative Assembly for the ACT, *Debates*, 13 December 2016, *Proof Transcript of Evidence*, 10 March 2017, p.40.

² Legislative Assembly for the ACT, *Debates*, 13 December 2016, *Proof Transcript of Evidence*, 10 March 2017, p.41.

c. potential to enliven urban areas;

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; and

5. Any other relevant matter.

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RECOMMENDATIONS

RECOMMENDATION 1

4.21 The Committee recommends that the ACT Government respond to the clear expression of community views throughout this inquiry with a review and potential update of the Signs General Code (ACT), *Public Unleased Land Act 2013*, *Planning and Development Act 2007* and associated regulations and Codes of Practice. This review is to be completed by the end of 2019.

RECOMMENDATION 2

4.22 The Committee recommends that the ACT Government, when undertaking the review outlined in Recommendation 1, consider including provisions that will apply to advertising on public transport vehicles and public transport stops.

RECOMMENDATION 3

5.23 The Committee recommends that the ACT Government models the economic impact of different possible regulatory frameworks in the ACT for advertising signage if any substantive changes or additions to signage regulations are proposed following the review outlined in Recommendation 1.

RECOMMENDATION 4

5.52 The Committee recommends that the ACT Government consults with relevant road and transport authorities when assessing applications for signs adjacent to and visible from arterial roads and highways, and include provisions that incorporate such a requirement when undertaking the review outlined in Recommendation 1.

RECOMMENDATION 5

7.30 The Committee recommends that the ACT Government, when undertaking the review outlined in Recommendation 1:

- modernise the content and language of all relevant rules and regulations to accommodate and incorporate digital technology;
- update the types, definitions, descriptions and criteria for signs that can be displayed in the ACT;
- incorporate technology neutral definitions of signage, including billboards;
- increase the accessibility, transparency and consistency of the relevant rules and regulations;
- respect the role of the ACT as the national capital; and

- include specific additional criteria, such as luminance, dwell time etc. for electronic/digital signs, particularly when road safety and proximity to residential areas is a factor.

RECOMMENDATION 6

- 7.31 The Committee recommends that the ACT Government consider a precinct specific/zone specific approach to signage, including billboards.

RECOMMENDATION 7

- 7.32 The Committee recommends that the ACT Government, in undertaking the review outlined in Recommendation 1 fully consult with the ACT community using a variety of formats and mediums.

RECOMMENDATION 8

- 7.33 The Committee recommends that the ACT Government should not grandfather existing signage under any new or amended legislation, regulations or Codes of Practice.

RECOMMENDATION 9

- 7.34 The Committee recommends that the ACT Government, following the completion of the review outlined in Recommendation 1, ensure that the regulatory model for signage in the ACT undergoes regular monitoring and review.

RECOMMENDATION 10

- 8.19 The Committee recommends that the ACT Government, following the completion of the review outlined in Recommendation 1, conduct a compliance survey of signage within the ACT in order to address concerns about 'sign creep'.

RECOMMENDATION 11

- 8.20 The Committee recommends that the ACT Government conduct and publish annual random compliance surveys of signage within the ACT.

RECOMMENDATION 12

- 8.21 The Committee recommends that the ACT Government establish clear and accessible reporting avenues for the public to lodge complaints about signage in the ACT, and consider the potential capacity of the 'Fix my Street' portal when doing so.

RECOMMENDATION 13

- 8.22 The Committee recommends that the ACT Government, following the completion of the review in Recommendation 1, establish information and awareness campaigns about how to make a complaint in relation to advertising content,

advertising signage and advertising signage locations, and what kind of compliance action can be taken.

RECOMMENDATION 14

- 8.23** The Committee recommends that the ACT Government ensure advertisers seeking to place advertisements in the ACT have access to appropriate advice and regulatory guidance.

1 INTRODUCTION

BACKGROUND TO THE INQUIRY

- 1.1 On 30 March 2017 the Assembly was informed that the Standing Committee on Planning and Urban Renewal had resolved to conduct an inquiry into billboards for outdoor advertising in the present — Ninth — Assembly, including into:
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; and
 - e. the definition of ‘billboard’ when compared with definitions for other signage;
 2. Community views on placement and construction of billboards;
 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; and
 - c. potential to enliven urban areas;
 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; and
 5. Any other relevant matter.
- 1.2 In 2011 the House of Representatives Standing Committee of Social Policy and Legal Affairs conducted an inquiry into the regulation of billboard and outdoor advertising. The ‘Reclaiming Public Space Report’ looked at the adequacy of the regulatory arrangements in relation to advertising which can be viewed from public spaces, and therefore where the audience is not able to exercise an individual choice with regard to what they see.³
- 1.3 Questions regarding the effectiveness of the current regulatory arrangements in relation to billboards and outdoor advertising in the ACT have given rise to this inquiry.
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³ House of Representatives, House Standing Committee on Social Policy and Legal Affairs, *Reclaiming Public Space: Inquiry into the regulation of billboard and outdoor advertising*; July 2011 http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=spla/outdoor%20advertising/report.htm Accessed July 2017.

CONDUCT OF THE INQUIRY

- 1.4 The Committee invited submissions from key stakeholders and received what is believe to be a record 166 submissions. A list of submissions received is provided at Appendix A.
- 1.5 Public hearings were held on 9 August and 4 and 6 September, 2017. A list of witnesses appearing at public hearings is at Appendix B. Transcripts from the hearings are available at <https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-planning-and-urban-renewal/inquiry-into-billboards>
- 1.6 A total of eight questions were taken on notice during the public hearings and two questions were placed on notice after the hearings. Please refer to Appendix C for a list of questions. Answers to the questions are provided on the inquiry webpage: <https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-planning-and-urban-renewal/inquiry-into-billboards>
- 1.7 The Committee received a number of additional papers and other documents which assisted them with their inquiry. These documents have been published as Exhibits.

STRUCTURE OF THE REPORT

- 1.8 In developing this report, the Committee has primarily focused on the issues that were raised in submissions and at public hearings.
- 1.9 The structure of this report is as follows:
 - Chapter 1: Introduction
 - Chapter 2: Advertising Signage
 - Chapter 3: Current Regulatory Environment for Advertising Signage (including Billboards)
 - Chapter 4: General Views on Billboards
 - Chapter 5: Economic and Community Impact of Billboards
 - Chapter 6: Using Billboards as Advertising Signage in the ACT
 - Chapter 7: Review of the Regulatory Environment for Signage in the ACT
 - Chapter 8: Regulatory Enforcement of Signage in the ACT

ACKNOWLEDGEMENTS

- 1.10 The Committee would like to acknowledge the contributions made to the inquiry by organisations and individuals who provided submissions and evidence at public hearings. It was clear to the Committee that the issue of billboards is an important one to a range of

stakeholders. The Committee expresses its thanks for their valuable contribution to the inquiry.

OVERVIEW OF THE INQUIRY

- 1.11 The majority of evidence submitted to the inquiry was not in favour of the introduction of billboards in the ACT.
- 1.12 However, some evidence provided to the Committee suggested that properly regulated and enforced advertising on billboards could have positive economic benefits for the ACT.
- 1.13 The Committee notes that there is significant confusion about what constitutes a billboard, what rules apply where, and when. This confusion, exacerbated by a lack of consistency in application, interpretation and enforcement of the rules have resulted in policy and regulatory 'grey areas' and enabled what many people who submitted to the inquiry perceive to be a flouting of the rules and regulations by a number of advertisers.
- 1.14 It was also apparent that the current legislation, regulations and associated guidelines, and codes of practice do not cover advances in technology and advertising methodologies, changes in terminology or even the types of signage that can exist. This has resulted in a piecemeal approach to the approval and regulation of advertising signage that has been highlighted by many people who submitted to the inquiry and the advertising industry as being highly unsatisfactory.
- 1.15 Evidence received from the community, industry and Government leads the Committee to conclude that there is a pressing need to holistically review, simplify and update current advertising and signage legislation and associated guidelines, regulations and codes of practice and engage in enforcement of these consistently across the ACT. In order for this to occur, a coordinated and collaborative approach across a number of government agencies and directorates, in conjunction with the ACT community, ACT businesses and industry will be required.
- 1.16 Information gathered throughout the inquiry has identified elements that are recommended for consideration in any review of current legislative documents and associated guidelines, regulations or codes of practice.

2 ADVERTISING SIGNAGE

ADVERTISING

2.1 Under the Territory Plan an Advertisement is defined as:

any device or representation visible to the general public which is for the purpose of directly or indirectly promoting sales or drawing attention to an enterprise or undertaking, and includes any hoarding or similar structure, any bunting, flag or streamer, or any balloon used or adapted for use for the display of advertisements or attracting attention.⁴

2.2 The following comprise the main forms of advertising undertaken by commercial, community and government agencies within Australia and internationally:

- Print
- Broadcast – includes radio and television
- Product Placement
- Online
- Mobile phones and Tablets
- Out-of Home Advertising (OOH) - includes outdoor; indoor-outdoor; transit

2.3 Advertising can also be categorised according to where the advertisement is, relative to the advertiser's location.

- Third-party advertising is advertising that is not associated with the premises on which it is displayed.
- Second-party advertising is the advertising of products not initiated at the premises or site, but are associated with the business in its day-to-day business activity, for example signs advertising particular brands of products sold or distributed.⁵
- First-party advertising is the advertising of any product or service which is produced or performed at the premises or site on which the advertisement is displayed. This includes the name of the organisation at the site.

⁴ Territory Plan (ACT) <http://www.legislation.act.gov.au/ni/2008-27/current/default.asp>.

⁵ Signs General Code 2008 (ACT) <http://www.legislation.act.gov.au/ni/2008-27/current/default.asp?identifier=General+CodesSigns+General+Code>.

- On-premise (or in-situ) outdoor advertising consisting of structures that advertise the business, services and products on the advertiser's property i.e. first and second party advertising. It is much more common than third-party outdoor advertising.

2.4 According to an August 2017 Deloitte Access Economics study, direct expenditure on advertising in Australia is in excess of \$12 billion per year whilst indirect flow-on effects of the sector is worth about \$40 billion to the Australian economy every year.⁶

OUT OF HOME ADVERTISING (OOH) SIGNAGE

- 2.5 Most advertising agencies that deal with billboards encompass them as a type of outdoor advertising or OOH advertising.
- 2.6 The OMA is the peak national industry body representing 95 % of Australia's OOH media display and media production companies, as well as some media display asset owners. Such companies include APN Outdoor; Outdoor Systems, JCDecaux, oOh!media and Adshel.
- 2.7 Jurisdictions around Australia and the developed world have a variety of OOH advertising signs which they will often categorise according to size, shape, common name or location. No one jurisdiction is consistent across the board with their signage definitions or descriptors and at times certain signs may not be covered by any regulations or practices or correlate with industry specifications.
- 2.8 OOH advertising signs may be situated on buildings, fascias, windows, walls and roofs. They can also be shopfront and window displays or murals on buildings.
- 2.9 Freestanding signs may be in frames, on bollards or sandwich boards, on poles and pylons and on street furniture as well as on balloons, inflatable's, trailers, and on and inside trains, trams, buses and taxis and other commercial vehicles.
- 2.10 Purpose-built third-party media display sites typically include billboard structures, mobile billboards, displays found in shopping centres, bus and train stations, and airports, and street furniture.
- 2.11 The advertising messages can be dynamic or static and include flashing signs, neon signs, trivisions, electronics, LED, fibre optics, multi-ad scrolling, building wraps and hoardings or traditional printed paper or vinyl billboards and posters.

⁶ Deloitte Access Economics, *Assessing the benefits of a self-regulatory advertising complaints handling system*, August 2017 https://adstandards.com.au/sites/default/files/final_benefits_of_self-regulation.pdf.

2.12 In most jurisdictions the following signage are commonly exempt from development approval but may be subject to other codes of practice or regulatory guidelines:

- real estate signage;
- election signage;
- town signs;
- road safety message signs,
- traffic control signs;
- service and tourist signs;
- public safety advisory sign;
- interpretive signs describing place of historical or cultural significance;
- signs on enclosed land and not visible from outside the enclosure or building;
- a sign displayed under a statutory obligation; and
- a sign displayed on or in a vehicle except if vehicle is adapted and exhibited primarily as an advertising sign.

BILLBOARDS

2.13 Billboard advertising, is highly visible and is usually placed in heavily trafficked areas in order to attract as many viewers as possible.

2.14 The OMA defines a billboard as a:

large format OOH display board for advertisements [which] comes in a range of sizes and formats. A billboard can be a freestanding device, or attached to a wall of a building or the roof of a building. It can vary in size depending upon its location and purpose. A billboard can be a device displaying 'traditional' poster-type advertising or digital displays.⁷

Billboard displaying traditional advertising media are typically a standard size so that the vinyl advertisement can rotate between signs in different locations.⁸

2.15 The ACT Government in their submission stated billboards could be 'generally be defined as a large outdoor advertising structure mostly found in high-traffic, high visibility public areas of cities such as along main roads and at commercial centres.'⁹ However, the Territory jurisdiction does not have a formal definition contained within its legislation, regulations or codes of practice.

⁷ Submission No. 159, Outdoor Media Association, p. 4.

⁸ Submission No. 159, Outdoor Media Association, p. 4.

⁹ Submission No. 166, ACT Government, p. 12.

2.16 Most jurisdictions do not prohibit billboards, however not all jurisdictions define billboards as a separate form of signage. Jurisdictional approaches to defining billboards are summarised in Table 1.

2.17 For the purpose of this report the Committee will be using a 'working definition' of a billboard that largely correlates with that of the ACT (Cth) definition and stipulates a size of greater than 4m². This is not a definition that the Committee seeks to recommend be adopted by the ACT Government but one that seeks to provide a baseline for observations contained in the body of the report and associated recommendations. This 'working definition' is as follows:

A sign of greater than 4m² erected for the purpose of advertising products or services which are not being offered on a site on which the sign is erected.

Table 1: Billboard Definitions		
Jurisdiction	Definition	Size m2
ACT	n/a	n/a
ACT (Cth)	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. ¹⁰	n/a
NSW	24 Sheet Poster: Measure 6x3 metres in size and tend to be located mainly on building walls in commercial and industrial areas, along roads and in railway corridors. ¹¹	18m2
QLD	Any large (greater than 4m2) Advertising Device, whether freestanding or attached to a building in the form of a sign, notice, poster, etc. advertising products via words, symbols, pictorial displays. ¹²	
VIC	n/a	n/a
SA	Any large advertising sign (greater than four square metres), either freestanding or attached to a building. ¹³	Greater than 4m2
TAS	A structure either freestanding or attached to a building designed to accommodate standard billboards, the message of which may be changeable and variable. ¹⁴	18m2
NT	n/a	n/a
WA	An advertising sign (greater than 4m2) that may be either freestanding or attached to overhead infrastructure. ¹⁵	Greater than 4m2
South Africa		Gantry – 18m2 - 81m2 Large – 41m2 – 81m2 Medium – 19m2 - 40m2 Small – 9m2 - 18m2

¹⁰ National Capital Plan 1990 (Cth) <https://www.nca.gov.au/consolidated-national-capital-plan>.

¹¹ Draft Transport Corridor Outdoor Advertising and Signage Guidelines December 2015 <https://majorprojects.accelo.com/public/18f24554cd4fa5077976c6dd9e159212/Draft%20Transport%20Corridor%20Outdoor%20Advertising%20and%20Signage%20Guidelines.pdf> Accessed August 2017.

¹² Queensland's new planning system https://dilgpprd.blob.core.windows.net/general/NewPlanningSystem_v4.pdf Accessed August 2017.

¹³ Advertising Signs Assessment Guidelines for Road Safety https://www.dpti.sa.gov.au/_data/assets/pdf_file/0019/145333/DPTI-Advertising-Signs-Assessment-Guidelines.pdf, Accessed August 2017.

¹⁴ Tasmanian Planning Scheme http://www.justice.tas.gov.au/_data/assets/pdf_file/0007/370294/State_Planning_Provisions.PDF, Accessed August 2017.

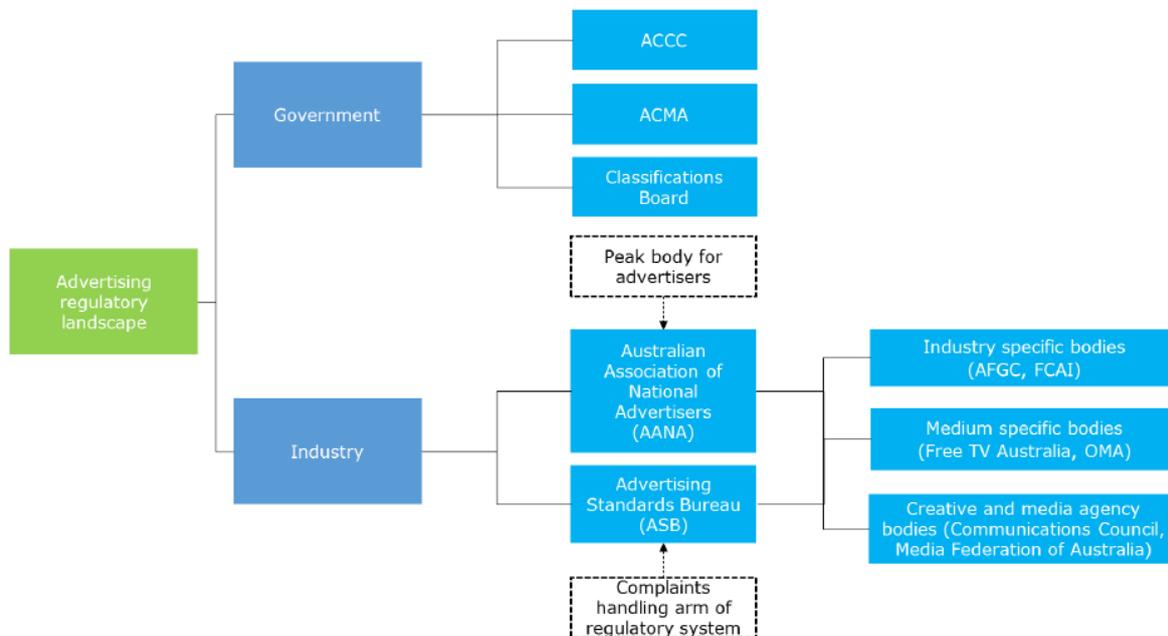
¹⁵ Roadside Advertising <https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/TrafficManagement/RoadsideAdvertising/Pages/home.aspx> Accessed August 2017.

3 CURRENT REGULATORY ENVIRONMENT FOR ADVERTISING SIGNAGE (INCLUDING BILLBOARDS)

ADVERTISING SIGNAGE REGULATION IN AUSTRALIA – CONTENT

3.1 There are a number of government and non-government bodies that contribute to the regulation of the advertising industry in Australia as illustrated in Diagram 1.¹⁶

Figure 2.1: Some regulators of advertising



Source: Deloitte Access Economics

Diagram 1 – Some Regulators of Advertising

Source: Deloitte Access Economics *Assessing the benefits of a self-regulatory advertising complaints handling system* p. 9.

¹⁶ Deloitte Access Economics, *Assessing the benefits of a self-regulatory advertising complaints handling system*, August 2017 https://adstandards.com.au/sites/default/files/final_benefits_of_self-regulation.pdf.

NON-STATUTORY BODIES

- 3.2 In Australia, advertising standards, including those related to outdoor advertising, are governed by a system of industry self-regulation.
- 3.3 The self-regulatory system is administered by the Australian Association of National Advertisers (AANA). The system is underpinned by a set of voluntary codes which include the AANA Code of Ethics.¹⁷
- 3.4 Some regulated industries have their own codes which apply in addition to the AANA Codes. The OMA, also has its own Code of Ethics for third-party outdoor advertisers which outlines third-party outdoor media companies' standards for working with advertisers and regulators, and its responsibilities towards the community and the environment.¹⁸
- 3.5 The self-regulatory system is underpinned by an independent complaints handling system, for both companies and consumers, administered by the Advertising Standards Bureau (ASB).¹⁹
- 3.6 Competitor complaints are adjudicated by the Advertising Claims Board, a panel of lawyers, who look at the accuracy and legality of the advertising that is being examined.
- 3.7 Consumer complaints are adjudicated by the Advertising Standards Board, made up of individuals who are representative of the community and not connected to the advertising industry.
- 3.8 A single complaint by a consumer is sufficient to initiate a formal investigation by the Advertising Standards Board and if, following an investigation, the complaint is upheld, the advertiser must remove or amend the offending advertisement.²⁰
- 3.9 The ASB has no power to impose formal sanctions for advertisers who do not comply with Board determinations. It can only publicly record the advertiser's failure to respond on its website and to a limited extent in the media, or it can refer the matter to an appropriate government agency or industry body that has the authority to withdraw the advertisement.²¹

¹⁷ Australian Communications and Media Authority <https://www.acma.gov.au/> Accessed August 2017.

¹⁸ Outdoor Media Association Code of Ethics http://oma.org.au/_data/assets/pdf_file/0019/10855/Code_of_Ethics_2016.pdf Accessed August 2017.

¹⁹ The Australian Association of National Advertisers AANA - Codes <http://aana.com.au/self-regulation/codes/> Accessed August 2017.

²⁰ Advertising Standards Bureau <https://adstandards.com.au/further-information/information-advertisers/supporting-system> Accessed August 2017.

²¹ Advertising Standards Bureau <https://adstandards.com.au/further-information/information-advertisers/supporting-system> Accessed August 2017.

- 3.10 In addition to the AANA and ASB, the Communications Council, the peak professional body representing companies in the Australian advertising industry, provides regulatory guidance to and advocates on behalf of the industry.²²

STATUTORY BODIES

- 3.11 The Australian Consumer Law (ACL) is a national law that aims to protect consumers and ensure fair trading in Australia. The ACL is part of the *Competition and Consumer Act 2010*. The Australian Competition and Consumer Commission (ACCC), Australian Securities & Investments Commission (ASIC), and state/territory consumer protection agencies regulate the ACL.
- 3.12 The ACCC is responsible for market regulation of misleading and deceptive conduct whilst the Australian Communications and Media Authority (ACMA) regulates radio and television content and ensures compliance with media and communications legislation.
- 3.13 Although ACMA and the ACCC primarily operate under the provisions of different Commonwealth legislation, both use a range of compliance and enforcement tools that encompass:
- Encouraging voluntary compliance (this can include education, advice and persuasion)
 - Administrative action (this can include formal warnings, issuing of infringement notices, giving a remedial direction, court enforceable undertakings or imposition/withdrawal of licence conditions)
 - Civil and criminal action (this can include civil litigation or the referral of a matter to the Commonwealth Department of Public Prosecutions for prosecution of an offence)²³
- 3.14 The Classifications Board supports this regulatory environment through its classification of films, computer games and publications to ensure community awareness about content of the product in advertisements.²⁴

²² *Communications Council* <http://www.communicationscouncil.org.au/public/content/ViewCategory.aspx?id=315> Accessed August 2017.

²³ Australian Communications and Media Authority <https://www.acma.gov.au/theACMA/About/Corporate/Responsibilities/compliance-enforcement-policy>, Accessed October 2017; 2017 Australian Competition and Consumer Commission - Compliance and Enforcement Policy <https://www.accc.gov.au/system/files/ACCC%20Compliance%20and%20Enforcement%20Policy%202017.pdf>, Accessed October 2017.

²⁴ Deloitte Access Economics, *Assessing the benefits of a self-regulatory advertising complaints handling system*, August 2017 https://adstandards.com.au/sites/default/files/final_benefits_of_self-regulation.pdf, p. 9. Accessed August 2017.

ADVERTISING SIGNAGE REGULATION IN AUSTRALIA – OUT OF HOME ADVERTISING STRUCTURES (INCLUDING BILLBOARDS)

- 3.15 Whilst not regulating the content of advertisements, in many Australian jurisdictions local governments are responsible for the approval of OOH advertising structures, usually under frameworks articulated in the relevant state/territory legislation and regulations. Advertising in state controlled transport corridors and motorways is usually regulated by the respective transport authority in conjunction with local authorities.
- 3.16 Appendix D provides a breakdown of current regulatory schemes in all states and territories in Australia.
- 3.17 Additionally, contract and licence agreements with government, council or corporate bodies may involve specific conditions and requirements relating to the placement or content of advertising. In some instances these agreements may provide guidelines on content that reflect or are in addition to industry codes and legislative requirements.

ADVERTISING SIGNAGE REGULATION IN THE ACT

- 3.18 Like all Australian jurisdictions advertising content in the ACT is regulated by Commonwealth legislation and industry self-regulation, although there are some instances where government policy has dictated that certain advertising content not be represented, portrayed or promoted.²⁵
- 3.19 Legislative requirements also outline the specific requirements that ACT Government advertising must comply with. The *Government Agencies (Campaign Advertising) Act 2009* restricts advertising and promotion by ACT Government to the following matters:
- (a) to maximise compliance with the law;
 - (b) to inform the community of new, existing, changed or proposed legislation, policies, programs and services;
 - (c) to raise awareness of a planned or new initiative or event;
 - (d) to initiate community consultation;
 - (e) to promote awareness of rights, responsibilities, duties or entitlements; or

²⁵ For example the contract for bus wrap advertising on ACTION buses.

(f) to encourage social cohesion, civic pride, community spirit, tolerance, or to inform the community about a public policy outcome.²⁶

3.20 Additionally the ACT Government also seeks to ensure:

that the products and messages that are promoted on its infrastructure are suitable and appropriate for the broader population and in line with the values of the Canberra community and Government objectives.²⁷

3.21 In relation to billboards and other advertising signage the Commonwealth Government and ACT Government share planning responsibility within the ACT.²⁸

COMMONWEALTH

3.22 The Commonwealth legislative instrument regulating signs in the ACT is the National Capital Plan, provided for under Section 6 of the *Australian Capital Territory (Planning and Land Management) Act 1988*.²⁹

3.23 The National Capital Authority (NCA) administers the National Capital Plan on behalf of the Commonwealth.

3.24 The purpose of the National Capital Plan is to ensure that the Commonwealth's national capital interests in the Territory are protected, without otherwise involving the Commonwealth in matters that should be the prerogative of the Canberra community. The National Capital Plan establishes the following matters of national significance in the planning and development of Canberra and the Territory:

- The pre-eminence of the role of Canberra and the Territory as the centre of National Capital functions, and as the symbol of Australian national life and values.
- Conservation and enhancement of the landscape features which give the National Capital its character and setting, and which contribute to the integration of natural and urban environments.
- Respect for the key elements of the Griffins' formally adopted plan for Canberra.

²⁶ Government Agencies (Campaign Advertising) Guidelines 2010 (No 1) <http://www.legislation.act.gov.au/di/2010-134/default.asp>.

²⁷ Submission No. 166, ACT Government, p. 19.

²⁸ National Capital Authority - About Planning and the ACT <https://www.nca.gov.au/planning-heritage/about-planning-act-replacement> Accessed August 2017.

²⁹ *Australian Capital Territory (Planning and Land Management) Act 1988*, <https://www.legislation.gov.au/Details/C2016C00482>.

- Creation, conservation and enhancement of fitting sites, approaches and backdrops for national institutions and ceremonies as well as National Capital Uses.
- The development of a city which both respects environmental values and reflects national concerns with the sustainability of Australia's urban areas.³⁰

NATIONAL CAPITAL PLAN

3.25 The National Capital Plan is a legal instrument which provides a blueprint for planning in the ACT and establishes a framework for cooperation between the Commonwealth Government and the ACT Government.

3.26 Under the Signs General Code, contained in Section 4.20 of the National Capital Plan, the 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.

3.27 The Signs General Code states 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.³¹

3.28 Under the National Capital Plan, Designated Areas are those areas that have the special characteristics of the National Capital. They are:

- Lake Burley Griffin and its Foreshores
- the National Triangle and adjacent sites
- the balance of the Central National Area adjoining the Lake and the 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 Central National Area
- the Main Avenues and Approach Routes between the ACT border and the Central National Area.³²

³⁰ National Capital Authority –National Capital Plan <https://www.nca.gov.au/planning-heritage/national-capital-plan>; National Capital Plan 1990 (Cth), <https://www.nca.gov.au/consolidated-national-capital-plan>.

³¹ National Capital Plan 1990 (Cth) <https://www.nca.gov.au/consolidated-national-capital-plan>.

³² National Capital Plan 1990 (Cth) <https://www.nca.gov.au/consolidated-national-capital-plan>.

- 3.29 This Code stipulates that billboards ‘are not permitted on unleased land in Designated areas’, with billboards, as indicated in Chapter 2, effectively defined by the National Capital Plan as ‘third party signage.’³³
- 3.30 Other forms of advertising may be permitted subject to the following:
1. The type, position, size, appearance, illumination, animation, content or other characteristics of any proposed sign must ensure a quality and character of appearance both by day and night which, in the opinion of the National Capital Authority, befits the National Capital.
 2. The National Capital Authority will refuse to approve any sign where it is of the opinion that the type, position, size, appearance, illumination, animation, content or other characteristics of the sign may adversely affect:
 - i. the amenity of the locality or neighbourhood with particular regard to nearby residential development
 - ii. the architectural character or appearance of a building
 - iii. traffic safety
 - iv. a ‘place’ within the meaning of and subject to the provisions of the relevant Commonwealth heritage legislation.³⁴
- 3.31 Areas subject to ‘Special Requirements’ require Development Control Plans (DCPs) to be approved by the NCA in addition to requirements under the Territory Plan. In most of these areas there are constraints or prohibitions placed on signage.

ACT SPECIFIC

- 3.32 The control of signage on Territory land exists in a number of legislative documents, most of which can be traced back to a 1937 Ordinance made under the *Seat of Government (Administration) Act 1910* (Cth).

AN ORDINANCE RELATING TO ROADS AND OTHER PUBLIC PLACES NO. 24 OF 1937

- 3.33 Before the Self-Government Act, some laws, called ordinances, were made for the ACT by the Governor-General exercising powers delegated under s12 of the *Seat of Government (Administration) Act 1910* (Cth). Although ordinances are no longer a major source of law in the ACT, they are still able to be made on:

³³ National Capital Plan 1990 (Cth) <https://www.nca.gov.au/consolidated-national-capital-plan>.

³⁴ National Capital Plan 1990 (Cth), <https://www.nca.gov.au/consolidated-national-capital-plan>.

- the classification of materials for censorship;
- land used or intended to be used for Commonwealth purposes (National land); and
- companies.³⁵

3.34 The Ordinance Relating to Roads and Other Public Places was introduced to regulate the use and management of roads and public spaces in what was then the Federal Capital Territory.

3.35 s12 of the Ordinance effectively forbade any person, without appropriate permission, from exhibiting any advertisements on any property belonging to the Commonwealth which was 'in or adjoining any public place.'³⁶

3.36 The Ordinance was converted to the *Roads and Public Places Act 1937* in 1989 by virtue of s34(4) of the *Australian Capital Territory (Self Government) Act 1988* (Cth).

3.37 The *Roads and Public Places Act 1937* outlined the requirements for and the content of a Code of Practice for movable signs in public places within the ACT, before being replaced by the *Public Unleased Lands Act 2013*.

3.38 The Ordinance does, however, continue to have effect in relation to National Land under the National Land Ordinance 1989.

TERRITORY PLAN 2008 / SIGNS GENERAL CODE 2008 (ACT)

3.39 The Territory Plan 2008 (ACT) guides the day to day planning and development of Canberra and the Territory (aside from areas controlled by the NCA). It cannot be inconsistent with the National Capital Plan.

3.40 The Signs General Code 2008 (ACT) as contained in Section 11.7 of the Territory Plan 2008 (ACT)³⁷ regulates the design, content and positioning of signs in the ACT.³⁸

3.41 The Signs General Code 2008 (ACT) is effectively the document which development applications for signs are assessed against and sets out the requirements in relation to the types of signs permissible in certain development zones, the built form and construction of these signs as well as the environmental impact of these signs.

³⁵ ACT Legislation Register – Sources of Law http://www.legislation.act.gov.au/updates/sources_of_law.asp.

³⁶ The Ordinance Relating to Roads and Other Public Places No. 24 of 1937 <http://www.legislation.act.gov.au/a/1937-24/19371216-47405/pdf/1937-24.pdf>.

³⁷ Territory Plan <http://www.legislation.act.gov.au/ni/2008-27/current/default.asp>.

³⁸ Signs General Code 2008 (ACT) <http://www.legislation.act.gov.au/ni/2008-27/current/default.asp?identifier=General+CodesSigns+General+Code>.

- 3.42 There is no definition of billboard contained in the Signs General Code 2008 (ACT), however it does contain descriptions and hand drawn graphical representations of 28 types of signs that are permissible in various locations within the ACT.
- 3.43 Currently this breakdown of signage types does not correlate with that of many signs currently in use in the ACT e.g. bus shelters, bus wraps and mobile billboards, nor do they correlate with the terminology/descriptors currently used by other jurisdictions or the OOH Advertising industry.
- 3.44 The locations are categorised according to Zones. These are effectively planning zones as defined under the Territory Plan, and encompass:
- Commercial;
 - Residential;
 - Industrial;
 - Community Facility;
 - Urban Parks and Recreation; and
 - Other.
- 3.45 The Code also divides signage into three content type categories, 'Principal Signage'– which is also known as First Party Advertising, 'Second Party Advertising Signage', and 'Third Party Signage', and indicates the permissibility for each of these categories of signs in commercial and industrial zones and 'other zones', with different indications for 'Ground Floor', '1st Storey', 'Above 1st Storey', and 'Free Standing Sign'.³⁹
- 3.46 Signs that approximate the National Capital Plan definition of a billboard (as defined in Table 1) are only allowed to be up to 2m² and are not permitted anywhere except on the ground floor of buildings within commercial and industrial zones.
- 3.47 The Code is currently restricted to definitions and conditions for static signs and contains no reference to digital or other evolving media relating to signage or advertising.

PUBLIC UNLEASED LAND ACT 2013 / PUBLIC UNLEASED LAND (MOVABLE SIGNS)
CODE OF PRACTICE

- 3.48 The *Public Unleased Land Act 2013* repealed the *Roads and Public Place Act 1937* and sets out the criteria in relation to signs on public unleased land in the ACT.⁴⁰

³⁹ Signs General Code 2008 (ACT), Table 2. <http://www.legislation.act.gov.au/ni/2008-27/current/default.asp?identifier=General+CodesSigns+General+Code>.

⁴⁰ *Public Unleased Land Act 2013* <http://www.legislation.act.gov.au/a/2013-3/>

- 3.49 If a sign is to be fixed on the public unleased land a permit is required and penalties apply for non-compliance.⁴¹
- 3.50 The *Public Unleased Land Act 2013* also established the Public Unleased Land (Movable Signs) Code of Practice which outlines conditions for sign placement; sign construction and safety; sign content; number of signs; display time periods and insurance requirements.
- 3.51 The Public Unleased Land (Movable Signs) Code of Practice applies to movable signs such as business signs; real estate signs; community signs and electoral advertising signs that are intended to be situated in a public place.
- 3.52 If a sign is movable penalties apply for non-compliance with the Public Unleased Land (Movable Signs) Code of Practice.
- 3.53 Under the Public Unleased Land (Movable Signs) Code of Practice public unleased land or a 'public place' is:
- ...any place that is unleased Territory Land, which the public are entitled to use or which is open to, or used by, the public and includes every public road.⁴²
- 3.54 This Public Unleased Land (Movable Signs) Code of Practice does not apply to public places in Designated Areas and movable signs cannot be placed in these locations without the express permission of the NCA.
- 3.55 Transport Canberra and City Services (TCCS) are the responsible agency for regulatory setting under the *Public Unleased Land Act 2013*.

PLANNING AND DEVELOPMENT ACT 2007

- 3.56 The *Planning and Development Act 2007* defines what constitutes a development, in relation to land in the ACT. Under this definition a development can be:
- Putting up, attaching or displaying a sign or advertising material other than in accordance with
- (i) a licence issued under this Act; or
 - (ii) a sign approval under the *Public Unleased Land Act 2013*, section 25 (Approval to place sign on public unleased land); or
 - (iii) a public unleased land permit under the *Public Unleased Land Act 2013*.⁴³

⁴¹ *Public Unleased Land Act 2013* <http://www.legislation.act.gov.au/a/2013-3/>.

⁴² Public Unleased Land (Movable Signs) Code of Practice 2013
https://www.tccs.act.gov.au/_data/assets/pdf_file/0008/465794/Code-of-Practice-Movable-Signs-2013.pdf.

⁴³ *Planning and Development Act 2007* <http://www.legislation.act.gov.au/a/2007-24/>.

3.57 This means that approved development applications are required to erect signs on private land, and in certain cases on public unleased land, unless exempted under Schedule 1 of the Planning and Development Regulation 2008.⁴⁴

3.58 The Environment, Planning and Sustainable Development Directorate (EPSDD) is the responsible agency under the *Planning and Development Act 2007*.

PLANNING AND DEVELOPMENT REGULATION 2008

3.59 This delegated legislation articulates the circumstances in which signs can be exempted from requiring development approval.⁴⁵

3.60 These regulations refer to both the Signs General Code 2008 (ACT) and the *Public Unleased Land Act 2013* in articulating the conditions for exemptions.

HERITAGE ACT 2004

3.61 All forms of signage, including billboards, may be subject to heritage requirements and approvals, including a heritage assessment, when proposed within a heritage place or object, or within an Aboriginal place or object.

DISPLAYING SIGNS IN THE ACT - SUMMARY

3.62 If the sign in question is not subject to any exemptions:

- To put a sign on Public Unleased Territory land requires permission from TCCS. If the sign is to be fixed a permit is required; if it is movable it must also comply with the Public Unleased Land (Movable Signs) Code of Practice. Depending on the nature of the sign development approval may also be required.
- To put a sign on private property, development approval through EPSDD may be required but not approval from TCCS.
- To put a sign in the main thoroughfares or in a Designated Area works approval from the NCA is required.

⁴⁴ *Planning and Development Act 2007* <http://www.legislation.act.gov.au/a/2007-24/>.

⁴⁵ *Planning and Development Regulation 2008* <http://www.legislation.act.gov.au/sl/2008-2/default.asp>.

ADVERTISING SIGNAGE REGULATION INTERNATIONALLY – CONTENT AND OUT OF HOME ADVERTISING STRUCTURES (INCLUDING BILLBOARDS)

- 3.63 Advertising industry self-regulation is standard practice in developed nations and most take their lead from the International Chamber of Commerce (ICC) which issued the first code of advertising in 1937.⁴⁶
- 3.64 Almost all EU countries have advertising self-regulatory systems. The European Advertising Standards Alliance (EASA) is a global peak body that represents and sets standards for advertising self-regulatory systems in Europe.⁴⁷ Australia is also a member country of this body via its membership of the International Council for Ad Self-Regulation (ICAS).
- 3.65 Appendix D summarises current approaches to advertising content regulation in the UK, US, NZ and Canada.
- 3.66 The regulatory environment for advertising structures in developed nations is often legislated at a national level, however, like many jurisdictions in Australia, it is the local (council, borough) or province (states) that adapts and implements the regulatory framework to meet local requirements. As illustrated by the UK and South Africa examples in Appendix D, restrictions, governance and regulatory detail differ greatly between jurisdictions.

⁴⁶ International Chamber of Commerce <https://iccwbo.org/global-issues-trends/responsible-business/marketing-advertising/>, Accessed August 2017.

⁴⁷ European Advertising Standards <http://www.easa-alliance.org/about-easa/what-we-do>, Accessed August 2017.

4 GENERAL VIEWS ON BILLBOARDS

COMMUNITY V INDUSTRY RESPONSE

- 4.1 This inquiry attracted a significant number of submissions which the Committee noted were predominately not in favour of introducing billboards to the ACT. This included sentiments such as:

There is no benefit for Canberra's residents or visitors in posting advertising on billboards or additional advertising on buildings. There are many forms of less intrusive and more targeted advertising available and these are already exploited by marketers. I personally do not want to see advertising erected on billboards anywhere in the ACT, it is not needed.⁴⁸

I would just like to add my voice to the dissenting voices on the proposal for billboards. Canberra can do without the eyesores that fill our other cities. There is no reason we should allow billboards. Canberra looks remarkably unscarred with the prohibition on billboards, and it would be a shame to allow them now.⁴⁹

it would be a tragedy if billboard advertising were to be introduced...Billboards – regardless of their size, location, content and advertising periods – will ruin the distinctive character of Canberra's natural beauty and result in the visual pollution of our fair city.⁵⁰

- 4.2 This opposition to billboards was not only prevalent in evidence provided to the Committee but was echoed across social media, talk-back radio and internet blogs both in reaction to the terms of this inquiry and the Chief Minister's comments about billboards on 25 January 2017. Mr Chris Endrey noted in his submission that:

there was a virtual consensus amongst the many commenters across all of their platforms: the community is strongly opposed to billboard advertising in the ACT.⁵¹

⁴⁸ Submission No.154, Tim Green.

⁴⁹ Submission No.100, Gerry Satrapa.

⁵⁰ Submission No.92, Weston Creek Community Council.

⁵¹ Submission No.79, Chris Endrey.

- 4.3 The perspective of industry representatives was that there were significant positives to having billboards in the ACT, particularly if they were accompanied by ‘reasonable evidence-based regulation in place of the current prohibition.’⁵² The OMA stated to the Committee that:

As Canberra becomes a vibrant and populated city with a thriving business community that goes beyond being the nation’s capital, signs, like many other new developments and technologies, will be a natural part of this change...They offer commercial, community and government organisations the chance to talk to a broad audience.⁵³

Canberra as a city, as a population, is growing. There are commercial precincts growing further and further afield...You have got a growing footprint. There are many precincts with concentrated populations where it is still useful to have signs. There are still eyeballs that we could catch with our signs.⁵⁴

- 4.4 The industry also felt that there were missed opportunities under the current regulatory arrangements in the ACT:

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.⁵⁵

BILLBOARDS IN THE ACT

- 4.5 As far back as 1998 there was an expectation by some that billboards would be a part of the cityscape with Stephen Byron, Director of Capital Airport Group, stating that:

‘if we are going to signal Canberra as an international gateway, that we are a modern, dynamic city, then people will expect to see advertising billboards’.⁵⁶

- 4.6 However, the Committee observed that there was a great deal of confusion in the evidence provided to the inquiry about what could be called a billboard, particularly as a number of large advertising signs in Canberra, such as that on the Canberra Centre and Canberra Theatre are actually in-situ signage and not third-party signage or billboards.

- 4.7 This confusion was magnified by uncertainty about the validity of third-party advertising on bus shelters, real estate signage, construction site hoardings and public transport advertising

⁵² *Transcript of Evidence*, 6 September 2017, p. 44.

⁵³ Ms Charmaine Moldrich, *Transcript of Evidence*, 6 September 2017, p. 45.

⁵⁴ Ms Tess Phillips, *Transcript of Evidence*, 6 September 2017, p. 54.

⁵⁵ Submission No.122, Van Wagner Outdoor.

⁵⁶ Graham Cooke, ‘Billboards Inevitable In Airport Plan, Says Director’, *The Canberra Times*, 3 Dec 1998, p.3.

wraps. The latter were highlighted as a significant matter of concern⁵⁷ largely due to their size being equated with that of a billboard in the view of a number of submitters.

- 4.8 Although a form of third party advertising and greater than 4m² in size, public transport advertising wraps, such as those currently portrayed on ACTION buses, are not classed as billboards and are not regulated under any of the signage related legislation, associated regulations, guidelines or codes of practice in the ACT.⁵⁸
- 4.9 Mr Reuben Ingall in his submission highlighted the analogy between bus wrap advertising and billboard advertising:

In recent years, billboard advertising has effectively been introduced by stealth, with 'full-wrap' advertising on ACTION buses. This can obscure the view for passengers causing them to miss their stop - tourists and the vision-impaired are affected the most...I am strongly against advertising being included on the light rail for the same reasons.⁵⁹

- 4.10 Concerns were also raised by submitters about the impact third-party advertising has on the public compared to in-situ advertising, which is usually of a first party or second party nature.⁶⁰
- 4.11 Submitters observed that this was particularly notable when there are competing advertising interests in the same area and when larger companies can monopolise advertising assets.

...advertising for businesses where they can direct you to their business and they can entice you in with current specials or whatever else makes them special. That, to a certain level adds local colour to a place, particularly because small businesses have a fairly equal footing to a very large conglomerate that might also be on the same block. When it gets to point where it is dominating or it is trying to pull you into that space from a distance, I think that is when it becomes problematic, because it stops being in-situ advertising and it becomes outdoor advertising that is aggressively looking for custom...I think it is reasonable for businesses to be able to say, "Hi, I'm here and you can find me, and here's a clear direction" and that kind of stuff. It really steps beyond that when it sees the outdoor space as a play space to try and compete for custom.⁶¹

⁵⁷ For example: Submission No.31 Derek Lark; Submission No.20, Reuben Ingall; Submission No.37 Eliza M Medina; Submission No.56, Ure Pierre Burmester; Submission No.151, Anne Forrest; Submission No.147, Philiipa Matthews; Submission No.129 Patrick Dodgson; Submission No.118, Simon Wall; Submission No.2, Nelson and Burden.

⁵⁸ This advertising is being currently managed under a contractual arrangement with Go Transit Australia.

⁵⁹ Submission No.20, Reuben Ingall.

⁶⁰ For example: *Transcript of Evidence*, 6 September 2017, p. 69; 70; Submission No. 7 Imogen Ebsworth; Submission No.134 Jennifer Paradowski; Submission No.128, Medical Association for Prevention of War (Australia); Submission No.55 Helen Braund.

⁶¹ Ms Imogen Ebsworth, *Transcript of Evidence*, 6 September 2017, p. 70.

- 4.12 It was pointed out, however, that even though first-party signage is not considered a billboard under the Committee’s working definition, that some in-situ signage can be larger and more prominent than a lot of third party signage:

I would certainly agree that in situ signs are appropriate to an extent. One I will point out—I think this may have been in one of the submissions—is that some people coming into Gungahlin might think that Gungahlin is the home of First Choice Liquor, because they have an absolutely enormous sign. Basically, one of the first things you see, especially when it is dark, is this enormous First Choice Liquor sign, so that is an in situ sign, but its scale may be a bit over the top.⁶²

- 4.13 The OMA also noted that:

When we do our testing with people and they say, “Yeah, we hate signs, they’re visual pollution,” and we say, “What signs are you talking about?” they are usually pointing to first-party signs. We did an experiment down Parramatta Road in Sydney where there were 14,000 first-party little signs and big signs.⁶³

- 4.14 However, the Planning Institute Australia (PIA) noted that large or electronic first party or second party signs may be appropriate in limited circumstances:

For example; the current sign for the Canberra Theatre is considered appropriate in this context, provided that the content is specific to events being held at the venue. Likewise the current electronic billboard at the Canberra Convention Centre should only be permitted to display information pertaining specifically to the venue and not general commercial advertising.⁶⁴

- 4.15 It was observed by the OMA that:

it makes sense to have regulations for all outdoor advertising in order to allow for certain signs that you believe are appropriately designed and appropriately located, whether they be third-party, real estate or on-premise business identification.⁶⁵

COMMITTEE COMMENT

- 4.16 The Committee recognises the considerable input of many people who submitted to the inquiry, including the significant number of submissions made, which were overwhelmingly against the use of billboards in the ACT.

⁶² Mr Sam Hussey-Smtih, *Transcript of Evidence*, 6 September 2017, p. 69.

⁶³ Ms Charmaine Moldrich, *Transcript of Evidence*, 6 September 2017.

⁶⁴ Submission No.121, Planning Institute Australia.

⁶⁵ Ms Tess Phillips, *Transcript of Evidence*, 6 September 2017, p. 51.

- 4.17 The Committee recognises that all types of signage, including billboards, whether in-situ or third-party, requires regulation in terms of definition, size, location and purpose.
- 4.18 Furthermore, the nature of in-situ and third-party signage is currently not delineated by size and content but by location. Many in-situ signs could be therefore be perceived as billboards by the general public due to their size and prominence.
- 4.19 This was evident in the concerns of many people who submitted to the inquiry in relation to bus wrap advertising and their concerns that such advertising will also be utilised on light rail carriages.
- 4.20 Throughout the course of the inquiry it became apparent, through the evidence provided and observations as to the confusion surrounding the concept of billboards and advertising signage, that not only was there a need to consider the requirement for and impact of billboards in the ACT but there was also a need to significantly review the regulatory environment pertaining to all forms of signage in the ACT.

Recommendation 1

- 4.21 The Committee recommends that the ACT Government respond to the clear expression of community views throughout this inquiry with a review and potential update of the Signs General Code (ACT), *Public Unleased Land Act 2013*, *Planning and Development Act 2007* and associated regulations and Codes of Practice. This review is to be completed by the end of 2019.**

Recommendation 2

- 4.22 The Committee recommends that the ACT Government, when undertaking the review outlined in Recommendation 1, consider including provisions that will apply to advertising on public transport vehicles and public transport stops.**

5 ECONOMIC AND COMMUNITY IMPACT OF BILLBOARDS

ECONOMIC IMPACTS

ECONOMIC ACTIVITY

- 5.1 Notwithstanding the view that the ‘economic potential in the Canberra market’ is currently ‘constrained by regulatory restrictions and outdated or unnecessary requirements’⁶⁶ and that ‘current legislation limits the potential investment by outdoor advertisers within the ACT,’⁶⁷ the OMA advocated the benefits that OOH advertising, including billboards, could bring to the ACT:

Out of home advertising is hyperlocal by nature and is widely used by local businesses and community organisations. This advertising benefits the local community and is an economic driver that maintains jobs and assists businesses directly.⁶⁸

- 5.2 Looking specifically at Canberra, the OMA said that they were not sure if the population base in Canberra could support large advertisers coming in even if the regulatory environment changed:

Putting up a digital sign and making it waterproof et cetera is a really expensive exercise. You work on a return on investment. Again you are not going to get people coming in and saying, “Wow, the sign code has changed in Canberra. Let’s build hundreds of signs,” because your population base at the moment cannot actually sustain that return on investment.⁶⁹

- 5.3 Independent of the OMA assessment, a number of submitters, including the Medical Association for Prevention of War (Australia), felt that there would be no direct correlation between the introduction of advertising billboards and increased economic activity within the Territory:

While some businesses may benefit from advertising on billboards, this does not mean that billboards will increase economic activity in Canberra. It seems at least as likely

⁶⁶ Submission No. 166, ACT Government, p. 15.

⁶⁷ Submission No.122, Van Wagner Outdoor.

⁶⁸ Ms Charmaine Moldrich, *Transcript of Evidence*, 6 September 2017, p. 45.

⁶⁹ Ms Charmaine Moldrich, *Transcript of Evidence*, 6 September 2017, pp. 51-52.

that it will merely move such activity around towards those with the means to purchase advertising. Moreover, those able to pay for advertising will generally include large businesses with as best a small economic footprint in Canberra. If advertising leads to economic activity shifting from a more Canberra-based to a less Canberra-based footprint, this would work against the government's aims of growing and diversifying Canberra's economy.⁷⁰

- 5.4 Mr Endrey also expressed concern that offering large franchises the opportunity to advertise against local businesses would create a market distortion:⁷¹

because it so heavily favours incumbent capital holders, to the detriment of community organisations and local businesses.⁷²

- 5.5 Additionally there were concerns about the negative impact on the economy outside of retail with Dr Lisa Petheram highlighting that 'billboards can have negative economic impacts on surrounding real estate and tourism.'⁷³

REVENUE

- 5.6 In its evidence on the revenue that may be generated by billboards for the Territory the ACT Government advocated the position that:

Increased advertising has the potential to generate economic activity in the Territory from the advertising itself (investment in infrastructure and related income stream), and the promotion of the advertised good or service. Other jurisdictions derive revenue from outdoor advertising.⁷⁴

- 5.7 This position was supported by Dr Peter Balint who stated that 'given the Territory's problems with revenue base, this [billboards] seems an ideal way to supplement public income.'⁷⁵

- 5.8 However, the ACT Government also acknowledged that:

Whilst the person or object that owns the place may get some economic benefit from it, the general recognition is that the person that does the advertising is the one that gets the benefit.⁷⁶

- 5.9 The NCA concurred with this later assessment:
-

⁷⁰ Submission No.139, Tom Swann.

⁷¹ Submission No.79, Chris Endrey.

⁷² Mr Chris Endrey, *Transcript of Evidence*, 6 September 2017, p. 73.

⁷³ Snyder as referred to in Submission No.24, Dr Lisa Petheram.

⁷⁴ Submission No. 166, ACT Government, p. 15.

⁷⁵ Submission No.120, Dr Peter Balint.

⁷⁶ Mr Mick Gentleman MLA, *Transcript of Evidence*, 9 August 2017, p. 20.

The NCA is aware of the potential offered by billboard advertising, including in creating brand awareness, reaching larger audiences, and generating income for advertisers.⁷⁷

5.10 When the cost-benefit of billboards was queried by the Committee the ACT Government acknowledged that income could be generated from the selling of advertising space within government-owned sites but were unable to elaborate on whether all the income would flow to the government or whether the private sector would benefit.⁷⁸

5.11 The ACT Government also acknowledged that they had not ‘done any specific modelling’ in regards to what revenue could be generated for the Territory through advertising billboards.⁷⁹

5.12 Mr Ben Brocchi in his submission drew attention to the need for a cost-benefit analysis:

Any expansion of billboard advertising needs to have costs and benefits weighed up against each other...this should include not only a dollar assessment but also distributional analysis.⁸⁰

5.13 However, Mr Tim Hollo on behalf of the Green Institute argued that raising revenue through billboard advertising was not necessary as ‘there are other and better ways for government to find revenue than by selling off our public space.’⁸¹

5.14 Mr Sam Hussey Smith supported this perspective:

Yes, it takes some revenue pressures off government, but if one of the richest cities on earth can’t afford the provision of bicycles—not cars, bicycles—bus stops or lights, I think we need to have a serious look at our budgeting and how that is practised, because that is really not an argument, in my opinion.⁸²

INFRASTRUCTURE

5.15 In addition to being a potential revenue source the OMA highlighted the benefits that OOH signs, including billboards, can bring in terms of infrastructure:

In exchange for the advertising concessions, OMA members also build and do all the maintenance on public infrastructure. Currently, the industry’s provision of community infrastructure represents a \$352 million saving to governments in Australia.⁸³

⁷⁷ Submission No.164, National Capital Authority, p. 5.

⁷⁸ *Transcript of Evidence*, 9 August 2017, p. 10.

⁷⁹ *Transcript of Evidence*, 9 August 2017, p. 10.

⁸⁰ Submission No.85, Ben Brocchi.

⁸¹ Tim Hollo, *Transcript of Evidence*, 4 September 2017, p. 37.

⁸² Mr Sam Hussey-Smith, *Transcript of Evidence*, 6 September 2017, p. 74.

⁸³ Ms Charmaine Moldrich, *Transcript of Evidence*, 6 September 2017, p. 45.

5.16 Whilst admitting that there was some concern about OOH advertising, the OMA sought to highlight changes in public opinion when potential revenue and infrastructure benefits were outlined to them:

In the OMA's most recent survey, when respondents were told that advertising signs funded infrastructure, 77 per cent felt more positive towards advertising.⁸⁴

5.17 In his evidence to the Committee Mr Tom Swann acknowledged that such funding arrangements 'makes me feel more favourable', but was adamant 'that does not mean that I think it is a good idea. And I think many people would be in a similar situation.'⁸⁵

5.18 The provision and maintenance of infrastructure as 'public benefit' is a concept adopted in NSW. The NSW Transport Corridor Outdoor Advertising and Signage Guidelines refer to a 'public benefits test' where in particular circumstances an applicant must detail in their application to place an advertisement what arrangements they will make to provide an 'appropriate public benefit.' This can be a monetary contribution or an 'in-kind' contribution that benefits the community.⁸⁶

5.19 In explaining this concept the OMA hypothesised how it could work in the ACT:

In general, what occurs in a lot of jurisdictions across Australia is that once there is a platform, rather than a prohibition, and there is an openness to accept a development application for an advertising sign, what you will also have in your rules is what is called a public benefit contribution. As part of somebody putting in a development application and saying, "I want to build a sign," say in Garema Square or in Fyshwick, the authority would say, "Okay, in exchange for that sign we would like to receive a public benefit contribution." That public benefit contribution might take the form of: "We want you to utilise 10 per cent of the sign time,"—if it is a digital sign,— "to promote National Capital Authority events and other events in Canberra. We want you to promote Floriade," for example.⁸⁷

You might say, "The place that you're proposing to put that sign is actually an area where we've had some safety issues or some issues with vandalism. As part of putting in that sign, we would like you to install some additional lighting that will keep that area well-lit at night-time." Or, "We'd like you to work in partnership with us to develop a community garden underneath it because we think that will help to offset the fact that it's another sign in an area that's quite industrial."⁸⁸

⁸⁴ Ms Charmaine Moldrich, *Transcript of Evidence*, 6 September 2017, p. 45.

⁸⁵ Mr Tom Swann, *Transcript of Evidence*, 6 September 2017, p. 63.

⁸⁶ *Draft Transport Corridor Outdoor Advertising and Signage Guidelines December 2015* <https://majorprojects.accelo.com/public/18f24554cd4fa5077976c6dd9e159212/Draft%20Transport%20Corridor%20Outdoor%20Advertising%20and%20Signage%20Guidelines.pdf> Accessed August 2017.

⁸⁷ Ms Tess Phillips, *Transcript of Evidence*, 6 September 2017, p. 50.

⁸⁸ Ms Tess Phillips, *Transcript of Evidence*, 6 September 2017, p. 50.

What happens is a bit of a negotiation, but what you could do in the signs code is provide some of the parameters for that negotiation. For example, “These are the types of public benefits we would hope to achieve as part of any signage approval.” You will see that that kind of definition exists in other jurisdictions.⁸⁹

5.20 The OMA gave a number of examples where the OOH sector, under similar arrangements had established a free bike service, built kiosks, phone booths, bridges, over road walkways and self-cleaning toilets in large cities. OMA also highlighted that as part of the arrangement their members maintain and look after the infrastructure, including removing graffiti, repairs etc.⁹⁰

5.21 Mr Ian McAuley believed that raising revenue or providing infrastructure in this way is a ‘furphy.’ He asserted that based on OMA calculations:

60 per cent goes to the government, whatever the amenities are, and 40 per cent by way of administration. It is essentially a sales tax with a 40 per cent administrative cost. Most taxes are down in the order of one per cent. If we want street lighting, have street lighting. Do not pay 40 per cent administration cost to collect it, would be my simple public policy notion.⁹¹

COMMITTEE COMMENT

5.22 The evidence suggested that the ACT Government were unsure of the economic basis for introducing billboards or increasing advertising in the Territory. However, the Committee noted that the ACT Government and industry bodies were still of the view that current regulations in relation to signage limited the economic potential of the Territory.

Recommendation 3

5.23 The Committee recommends that the ACT Government models the economic impact of different possible regulatory frameworks in the ACT for advertising signage if any substantive changes or additions to signage regulations are proposed following the review outlined in Recommendation 1.

⁸⁹ Ms Tess Phillips, *Transcript of Evidence*, 6 September 2017, p. 50.

⁹⁰ *Transcript of Evidence*, 6 September 2017, p. 49.

⁹¹ Mr Ian McAuley, *Transcript of Evidence*, 6 September 2017, p. 61.

IMPACT ON THE CHARACTER AND AMENITY OF THE ACT

5.24 The presence and acceptability of billboards and other signage within the environs of the ACT is a highly subjective one, as there will be differing perceptions as to what is acceptable or desirable and what is not.

5.25 When discussing the need for signage regulation in the ACT, the ACT Government submission acknowledged that the visual impact of outdoor advertising can affect public amenity and in additional evidence to the Committee stated:

It is particularly about our visual environment and what we perceive to be amenable or not in a community sense...But I would imagine the community would have views on what they see as a positive amenity and what they see as a negative amenity.⁹²

5.26 Ms Imogen Ebsworth highlighted the complexity of deciding what is positive and what is negative:

I also cannot help but think of the headache you are going to create for yourselves if you allow billboards in and what one person finds offensive and another person finds acceptable in terms of advertising really starts to vary considerably. Unlike when it is on an ad and you can just quickly change the TV or set your filters on the net for what your kids look at, you cannot with a billboard. You guys in government are going to be the ones getting all the complaints that go with outdoor advertising, and it tends to attract a lot, from what I can tell.⁹³

5.27 When discussing the character and amenity of the ACT there was no opposition from government, non-government and industry submitters to the requirement that signs of any nature 'not compromise the role of the Territory as the setting of the National Capital and Seat of Government of the Commonwealth' as articulated in the Signs General Code 2008 (ACT), however submitters varied in their focus as to what characteristics and amenities of the ACT that they felt would be adversely impacted by the introduction of billboards.

5.28 Some submitters agreed billboards not only take up public space but also:

intrude themselves into the viewers line of sight, expropriating as it were the otherwise generally pleasant views around Canberra and consequently reducing the viewer's amenity.⁹⁴

5.29 Others focused on the 'urban beauty':

⁹² Mr Mick Gentleman MLA, *Transcript of Evidence*, 9 August 2017, p. 7.

⁹³ Ms Imogen Ebsworth, *Transcript of Evidence*, 6 September 2017, pp. 71-72.

⁹⁴ Submission No.58, Griffith Narrabundah Community Association Inc.

By and large, out-door advertising reduces the aesthetics and amenity of the areas they are installed in. As a planned city, Canberra has a 'natural' urban beauty, arising from its geographic position and the design of the city itself.⁹⁵

5.30 And others focused on the 'bush capital' characterisation of the ACT:

This lack of prominent advertisement has contributed markedly to Canberra's aesthetic character and charm as a 'bush capital'. This reputation is a key selling point in both Canberra tourism and in attracting people to live in Canberra.⁹⁶

While it was not an official poll on the measure, I think it is no coincidence that the residents of the ACT chose "the bush capital" as the newest slogan to be put on number plates. Billboards run contrary to the idea of a bush capital, and what it means to the people that love living here so much they want to put it on their number plates.⁹⁷

5.31 Some submitters took a more general approach and focused on the features of Canberra as compared to other cities:

Compared to the sensory bombardment from billboards and bus shelters and hoardings in a city like Sydney or Melbourne, our streetscapes are gentler, calmer, more human. Where Sydney's streets make the city a fully commercialised, inherently competitive, entirely transactional zone where people are valued only as a target market, our ad-free spaces nurture a friendlier, more open, more public-spirited community, more connected to the stunning natural environment we are nestled in.⁹⁸

As the national capital Canberra has got a real chance to differentiate itself and to be something unique. Moving here, the things that strike you are the amazing bushland around you and the beautiful vistas. It is quite austere, the seasons, the wonderful trees and the birds that come into the city. I cannot honestly see how outdoor advertising or billboards would in any way enhance that.⁹⁹

5.32 Whilst industry representatives sought to assure the Committee 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'¹⁰⁰ the lone advocate for a 'messy' ACT pointed out that:

⁹⁵ Submission No. 48, UnionsACT.

⁹⁶ Submission No.83, Ben Langley.

⁹⁷ Submission No.94, Elmat Tilo Fobes.

⁹⁸ Submission No. 22, The Green Institute.

⁹⁹ Ms Imogen Ebsworth, *Transcript of Evidence*, 6 September 2017, p. 60-61.

¹⁰⁰ Submission No.122, Van Wagner Outdoor, p. 6.

Cities are living vibrant things, and billboards and advertising are just one part of this. I have no desire to live in an ACT locked in a 'Griffin Plan' time capsule, and am happy to see the city grow, become more dense, mature and vibrant. And yes, this does mean it may be 'messy' at times, but that's okay – it shows the city and territory as being alive!¹⁰¹

IMPACT OF BILLBOARDS ON THE CHARACTER AND AMENITY OF INTERNATIONAL CITIES

- 5.33 The Green Institute pointed out that if restrictions on advertising are wound back in Canberra it would be 'out of step with current global trends', which in a number of jurisdictions includes removing, capping or banning public space advertising.¹⁰²
- 5.34 The following cities, states and towns have been documented as taking steps to rid their vistas of commercial advertising:
- Alaska, Hawaii, Maine and Vermont (US) currently ban billboards completely, as have some 1500 cities and towns on other parts of the US;
 - Rhode Island and Oregon (US) have banned 'new' billboards;
 - Caps have been placed on permits for billboards in the District of Columbia (US);
 - Billboards are banned in Sao Paulo in Brazil and Chennai in India;
 - Grenoble (France) has banned commercial street advertising, replacing it with community noticeboards and trees;
 - Paris (France) has wound back the number of ad hoardings by a third; and
 - Tehran (Iran) replaced all its 1,500 advertising billboards with art for 10 days.¹⁰³
- 5.35 In response to a question taken on notice on the reasons why these cities were changing their approach to billboards and other outdoor advertising, the Committee were informed that:
- It may be considered a form of visual pollution and the numbers are difficult to control;
 - It incorporates targeted branding messages into the everyday landscape of the city and becomes part of fabric of the environment where it is placed;
 - The constant bombardment of brands that advertise on street structures become part of the public social space of cities, entering people's thoughts and conversations and impacting on peoples' cultural lives;

¹⁰¹ Submission No.120, Dr Peter Balint.

¹⁰² Submission No. 22, The Green Institute.

¹⁰³ Arwa Mahdawi, Can cities kick ads? Inside the global movement to ban urban billboards, *The Guardian*, 12 August 2015 <https://www.theguardian.com/cities/2015/aug/11/can-cities-kick-ads-ban-urban-billboards>; Answer to Question Taken on Notice 7, received 22 August 2017.

- It exposes previously overlooked architecture and reduces the clutter of signage to enable the unique character and cultural heritage of cities to resurface; and
- It takes advertising and commercial interests from public spaces to allow areas for public expression and respond to people's wishes that advertising should be less intrusive.¹⁰⁴

5.36 The Green Institute also noted that citizen groups across the world are taking action in a number of ways to reclaim public space from advertising. Whilst a number were utilising civil disobedience to remove advertising, others were taking unique approaches to replace commercial advertisements with alternative images. For example, Citizens Advertising Takeover Service –CATS, who crowd-funded the purchase of ad space in the London Underground and replaced the commercial advertisements with pictures of cats.¹⁰⁵

COMMITTEE COMMENT

5.37 The Committee believes that the ACT is unique in terms of its location, aspects and role as the national capital, however acknowledges that the character and amenity of a location or vista is a subjective concept and that regulating the impact of billboards or other advertising signage on such subjective characteristics will require careful consideration.

IMPACT ON PUBLIC SPACE

5.38 Evidence received by the Committee communicated how important maintaining the concept of public space was to the residents of Canberra:

Public spaces are public goods. These public spaces have an intrinsic benefit that create social, economic and environmental value.¹⁰⁶

5.39 While the NCA acknowledged that ‘in some instances, particularly where digital signage is used, billboards and other signage has contributed to creating a sense of place,’ they also went on to state that:

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.¹⁰⁷

¹⁰⁴ *Answer to Question Taken on Notice 8*, received 22 August 2017.

¹⁰⁵ Submission No. 22, The Green Institute; The Citizens Advertising Takeover Service (C.A.T.S) <https://www.kickstarter.com/projects/1115177097/the-citizens-advertising-takeover-service-cats> . Accessed August 2017.

¹⁰⁶ Submission No. 48, UnionsACT.

¹⁰⁷ Submission No.164, National Capital Authority, p. 5.

5.40 Mr Swann in his evidence to the Committee noted that:

Advertising in public spaces is unlike advertising in newspapers or TV broadcasts. I am forced to see it if I am in the public space. That is precisely why companies pay for it and that is why it is valuable. Do I have a right to be able to choose whether to see advertising or not? Is it a right that the government is able to sell? In this sense, advertising in public spaces is like privatisation of that space. It is especially clear in cases where the city receives assets like bus shelters in exchange for the right to profit from our attention.¹⁰⁸

5.41 Dr Petheram and Mr McAuley further emphasised the perception that billboard advertising transforms public spaces into private or commercial ones:

Billboard advertising hands public space over to private interests and sends the message that space does not belong to the people, but to private companies. These private companies profit from this usage and are essentially given primacy over public interest. This is a damaging predicament for any public space, but especially in Canberra with its role as our national capital, which is to represent the public and lead public legislation and opinion on issues of our society.¹⁰⁹

It converts a precinct from public space, where people can live as citizens, to commercial space, where people exist only as customer, as sources of revenue.¹¹⁰

5.42 However, in the interest of driving 'greater levels of business activity' Stephen Wood, from the National Convention Centre, noted that a:

sensible balance needs to be established between enabling development and investment and the protection of the appearance and quality of public space.¹¹¹

IMPACT ON ROAD SAFETY

5.43 In the interest of road safety and minimising driver distraction, many states and territories have implemented roadside advertising guidelines, regulations and codes which contain specific restrictions and controls on signage on state controlled roads and motorways. Some of these are summarised in Appendix D.

5.44 Despite acknowledging the need to consult with road and traffic authorities¹¹² about the placement and type of roadside advertising signage, the OMA indicated that their research had

¹⁰⁸ Mt Tom Swann, *Transcript of Evidence*, 6 September 2017, p. 63.

¹⁰⁹ Submission No.24, Dr Lisa Petheram.

¹¹⁰ Submission No.21, Ian McAuley.

¹¹¹ Submission No. 29, National Convention Centre.

found that 'driver attention is not unreasonably diverted away from the road if roadside advertising is present'¹¹³ and that it was a misconception that 'signs can cause driver safety risks. The OMA claimed that their:

research shows that drivers behave in the same way on the road regardless of what signage is present.¹¹⁴

5.45 The perspective offered by the OMA was challenged by the prevalence of documented studies which have looked at the relationship between roadside advertising and driver distraction. Whilst the majority of studies have been largely funded by governments and local councils in many jurisdictions around the world, a number have also been commissioned by insurance companies and the advertising industry. An article by Jerry Wachtel in 2011, which reviewed a number of these studies reported that:

billboards are the only roadside objects that are both intentionally distracting and irrelevant to the task at hand. They are typically placed where driving conditions are challenging, and distraction can cause drivers to drift into another lane or fail to notice a car stopping ahead.¹¹⁵

5.46 Watchel also summarised the outcomes of studies that looked at the impact of digital advertising on drivers. He made particular reference to one study, undertaken on behalf of the outdoor advertising industry, which found that:

...drivers take their eyes off the road for two seconds or longer twice as often when they are looking at digital advertising signs than when they are looking at traditional billboards — or no billboards at all.¹¹⁶

5.47 The extensive literature reviewed by Watchel in another paper concluded that:

'the conclusions reached in research sponsored by government agencies, insurance companies, and auto safety organizations, especially in those studies performed in the past decade, regularly demonstrate that the presence of roadside advertising signs such as digital billboards, contributes to driver distraction at levels that adversely affect safe driving performance'.¹¹⁷

¹¹² *Transcript of Evidence*, 6 September 2017, p. 55-56.

¹¹³ Submission No. 159, Outdoor Media Association, Attachment 2, p. 5.

¹¹⁴ Ms Charmaine Moldrich, *Transcript of Evidence*, 6 September 2017, p. 46.

¹¹⁵ Wachtel, 'Digital Billboards, Distracted Drivers', *Planning*, March 2011, p.25.

¹¹⁶ Wachtel, 'Digital Billboards, Distracted Drivers', *Planning*, March 2011, p.25.

¹¹⁷ Wachtel, 'Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs', 2009, p.5.

5.48 The ACT Government also acknowledged that the placement of signs and billboards on the roadside can be a distraction to passing traffic when not regulated properly.¹¹⁸ This correlated with a number of submitters' personal experiences.

5.49 The Griffith/Narrabundah Community Association Inc. emphasised how digital advertisements were 'aggravating' the problem of driver distraction:

Successful advertisements are by design intended to be eye catching, and for motorists eye catching equates to distraction. The more a driver is distracted the greater the chance they will be involved in an accident...The advent of electronic or 'digital' billboards, which can change the sign as a driver moves by, and which are therefore even more effective at catching attention through triggering motion sensors in the brain, only aggravates this problem.¹¹⁹

5.50 K.A. Moylan in her submission noted the effect digital and lit billboards were having on her:

Now that I have started seeing similar light boards being used for advertising, I pay less attention to the official road-side light boards, so their messages are being ignored. This is detrimental to overall road safety if advertising camouflaged as safety messages continues to pollute the medium.¹²⁰

5.51 Ms Natalee Gersbach shared this view in her submission

I find them quite distracting when driving elsewhere and even the little ones stuck in the ground around roads are distracting. We don't need more things to distract drivers and cause greater risk to fellow motorists.¹²¹

Recommendation 4

5.52 The Committee recommends that the ACT Government consults with relevant road and transport authorities when assessing applications for signs adjacent to and visible from arterial roads and highways, and include provisions that incorporate such a requirement when undertaking the review outlined in Recommendation 1.

¹¹⁸ Submission No. 166, ACT Government, p. 3.

¹¹⁹ Submission No.58, Griffith Narrabundah Community Association Inc.

¹²⁰ Submission No.82, K A Moylan.

¹²¹ Submission No.99, Natalee Gersbach.

6 USING BILLBOARDS AS ADVERTISING SIGNAGE IN THE ACT

PREVALENCE AND SCALE

- 6.1 Throughout the inquiry it was identified that in the ACT there is ‘no control over the design and number of signs’¹²² and many felt that if billboards were introduced there would be a proliferation of signage, particularly signage that was disparate in terms of scale and volume for the area in which it was located.¹²³
- 6.2 In advocating for controls on the scale of signage, Mr Hussey-Smith stated to the Committee:
- I absolutely agree that in situ advertising is useful and necessary for businesses, but there is a question about scale, and appropriateness of that scale.¹²⁴
- 6.3 Mr McAuley proffered the ‘arms race metaphor’ to describe the effect that a lack of restriction could have on the scale and proliferation of signage in the ACT:
- ...but the metaphor is that, unless all firms, all businesses, are restricted in their in situ signs, someone will get to be bigger than another and, of course, naturally, others are going to go in the arms race—and, to an extent, that has happened in Fyshwick.¹²⁵
- 6.4 This was echoed by Mr Jack Kelly who used the following analogy:
- Large billboard advertising really is a relic of another era, as modern online advertising allows businesses to reach out to and engage with the customers who would be most interested in their products and services. Allowing it into Canberra will only have a "Red Queen" effect: businesses will set up billboards, but once they all start shouting over each other, Canberrans will tune out and none will really be heard.¹²⁶
- 6.5 The OMA acknowledged that the volume of signs has caused concern but also stated that there are a few misconceptions about the proliferation of signs because ‘oversupply reduces the value of signs: that is, the more signs there are, the less they are worth.’¹²⁷ They indicated to the Committee that:

¹²² *Transcript of Evidence*, 6 September 2017.

¹²³ For example: Submission No.39, Chris Finnigan; Submission No.43, Josie; Submission No.46, Michael Dillon.

¹²⁴ Mr Sam Hussey-Smith, *Transcript of Evidence*, 6 September 2017, p. 69.

¹²⁵ Mr Ian McAuley, *Transcript of Evidence*, 6 September 2017, p. 69.

¹²⁶ Submission No.64, Jack Kelly.

¹²⁷ *Transcript of Evidence*, 6 September 2017, p. 46.

There used to be a time in Australia when you would put up a sign everywhere, but that cheapens the product. In a contemporary society, the more premium your sign is, the more money you can get for it, because you own that space, in a way.¹²⁸

6.6 In considering how many advertising signs would be appropriate, Mr Swann queried:

whether we have more, less or the same amount. If we are going to allow more advertising in some spaces but we are also committed to current levels, then what ads are we going to take away?¹²⁹

6.7 In this context the ACT Government suggested that:

any new advertising should require a reduction in old signage, such as replacement of multiple sandwich boards on footpaths and median strips with dedicated advertising points (digital or otherwise) at entrances to suburban centres and thoroughfares that streamline the streetscape.¹³⁰

6.8 Canberra Town Planning, on behalf of Van Wagner Outdoor, indicated that such an approach had been taken in the District of Columbia where they had set a cap on the number of sign permits that could be issued and restrictions on the transfer of these rights.¹³¹

CONTENT

6.9 The content of an advertising sign is regulated by the industry standards, codes and consumer law and is not usually further regulated under a planning scheme in most jurisdictions. However, where necessary, restrictions are able to be placed on what content is allowed on certain advertising signage and in what locations.

6.10 Such an approach has been taken with regards to advertisements on ACTION buses which must not represent, portray or promote:

- a contravention of any legislation or regulation;
- tobacco or tobacco products;
- political or religious advertising. Advertising materials that are political party based are not permitted. Advertising materials that are political in nature but are related to a specific subject or issue will be considered on a case-by-case basis;
- weapons;

¹²⁸ Ms Charmaine Moldrich, *Transcript of Evidence*, 6 September 2017, pp. 51-52.

¹²⁹ Mr Tom Swann, *Transcript of Evidence*, 6 September 2017, p. 70.

¹³⁰ Submission No. 166, ACT Government, p. 18.

¹³¹ Submission No.122, Van Wagner Outdoor.

- junk food, fast food or unhealthy food and drinks as defined by the Australian Dietary Guidelines and associated Australian Guide to Healthy Eating;
- gambling;
- alcohol;
- fossil fuels;
- a message that demeans or discourages the use of public transport;
- a message that demeans public transport users;
- a message that promotes unacceptable behaviour to or on the transport vehicle;
- a message that poses either a danger or confusion to traffic, or a risk to the health or safety of the public generally;
- a message that can be deemed offensive or demeaning to specific Community Groups (i.e. religious, ethnic, women, etc.); and/or
- other matters which may be determined by the ACT Government and advised to Go Transit in writing.¹³²

6.11 Although content restrictions can be applied to the content of advertising billboards, the nature of billboards means that there is an unrestricted audience that can view the content 24 hours a day, irrespective of who the targeted demographic is. Particular concern was expressed in relation to advertising material not targeted at, or even appropriate for children to view being able to be viewed unrestricted on outdoor advertising, such as billboards.

If you are trying to make particular choices about what your children see, outdoor advertising is a particular concern. You can put in filters and blocks and you can do all sorts of stuff with online advertising, but with outdoor advertising you can't...¹³³

6.12 The AANA sought to alleviate these concerns when they indicated that:

For the purposes of advertising in public places, the Board recognises the broad audience of the material, which may include minors, and takes this into account when applying prevailing community standards. The Standing Committee can be confident that any outdoor advertising permitted in the ACT will be subject to appropriate advertising standards and should any breach of the AANA Codes occur, the material will be required to be removed.¹³⁴

¹³² Advertising on an ACTION Bus <https://www.transport.act.gov.au/about/policy/media-and-advertising/advertise-on-a-bus>, Accessed August 2017.

¹³³ Ms Imogen Ebsworth, *Transcript of Evidence*, 6 September 2017, p. 68.

¹³⁴ Submission No.163, AANA.

COMMUNITY V COMMERCIAL ADVERTISING

6.13 Advertising can often be classed as commercial (usually involves selling a product or service in the interest of making money or similar) or community related (usually involves a public service announcement and can include government advertising).

6.14 The OMA highlighted the difficulty in defining commercial and community information signs:

What we are starting to see increasingly is that commercial entities will also use that canvas to deliver a community benefit....They have decided that in order to make their advertising more relevant or more interesting, they will also give a community service message. You start to see that blurring of what we define as commercial and what we would define as community.¹³⁵

6.15 However, Mr Hollo on behalf of the Green Institute, indicated that he felt that irrespective of the medium used, there was a difference between:

public information campaigns, community health campaigns and all of that kind of material from commercial advertising. It has a very different social role to play...exactly what the difference is a matter of opinion.¹³⁶

6.16 Despite the potential positives of community advertising in terms of its capacity to inform the community, Unions ACT raised the possibility of commercial advertising being 'counter to public policy.' In their submission they provided the example of ACT Government policy and spending on promoting healthy eating being counteracted by significantly more money being spent by commercial organisations advertising junk food.¹³⁷

6.17 This concern was echoed by Mr Endrey who referred to an equivalent example from the US in his evidence to the Committee:

You can look at societies like the US, where there is no shortage of access by advertisers to citizens, and they spend tremendous amounts on, say health messaging advertisement. I think you would be hard pressed to suggest that prevalence of public space has meant that governments are able to reach citizens in a way that negates the deleterious impacts of the advertising space.¹³⁸

6.18 When directly contrasting ACT Government advertising with commercial advertising Ms Deb Cleland supported its presence in public spaces:

¹³⁵ Ms Tess Phillips, *Transcript of Evidence*, 6 September 2017, p. 47.

¹³⁶ Tim Hollo, *Transcript of Evidence*, 4 September 2017, p. 32; 43.

¹³⁷ Submission No. 48, UnionsACT.

¹³⁸ Mr Chris Endrey, *Transcript of Evidence*, 6 September 2017, p. 66.

When our government, our publicly elected institution, has something to say in terms of supporting minority groups or oppressed peoples in our society that is not about a commercial interest selling something through a visual aid in our public spaces. It is not the same thing, I would say.¹³⁹

- 6.19 However, Ms Ebsworth gave evidence that there are also issues that need to be considered with government use of public space advertising, particularly if it was to incorporate the use of billboards:

I would still see community service advertisements on billboards as an intrusion into people's space. It does not give people choice. I am not quite sure that government always need to be or should be privileged in terms of being able to intrude into public space just because they are government. There are certain critical safety messages perhaps; road safety signs are a really great example. But if we are talking about stuff like, "Hey, we'd like to improve people's lifestyles," this is not critical, urgent information, and I think there are other ways to deliver that that are more engaging for starters, and do not have the trade-off of saying, "We've got to have billboards to do that," and you get to have that in your public space, whether you like it or not....¹⁴⁰ I would prefer to have my public space not constantly contested.¹⁴¹

IMPACT OF DIGITAL TECHNOLOGY AND SMART CITIES CANBERRA

- 6.20 The ACT Government has repeatedly stated its commitment to making Canberra a Smart City, through smart investment, smart policy and smart technology.
- 6.21 In this context the ACT Government highlighted the following extract from the Canberra Statement of Ambition (2016) which states that:

"We must embrace the digital mindset and deliver integrated smart city initiatives... Everything Canberra does should ensure that our communities and businesses have access to the digital infrastructure and skills they need to successfully participate and compete in the knowledge and innovation economy."¹⁴²

- 6.22 The OMA in their evidence asserted that digital signage had the potential to provide such a stimulus and highlighted the ability of OOH to incorporate digital utility:

¹³⁹ Ms Deb Cleland, *Transcript of Evidence*, 6 September 2017, p. 75.

¹⁴⁰ Ms Imogen Ebsworth., *Transcript of Evidence*, 6 September 2017, p. 65.

¹⁴¹ Ms Imogen Ebsworth, *Transcript of Evidence*, 6 September 2017, p. 76.

¹⁴² Canberra: A statement of ambition http://www.cmd.act.gov.au/data/assets/pdf_file/0006/865482/Canberra-A-Statement-of-Ambition.pdf, Accessed August 2017.

In the future digital signage could help shape and activate urban spaces by providing innovative and smart city technology and creating vibrancy.¹⁴³

Increasingly OOH structures provide digital utility to cities such as wayfinding, WiFi hubs and targeted emergency messaging services.¹⁴⁴

6.23 It also appears to be the view of the wider advertising industry that the future of digital billboard advertising is particularly positive. A *Sydney Morning Herald* article of 28 July 2016 stated that:

The humble billboard is proving an attractive growth area for portfolio managers, who appreciate that the arrival of digital technology to outdoor advertising means the medium is suddenly more targeted than it once was.¹⁴⁵

6.24 Aside from potential increases in revenue, the positive aspects of digital billboard advertising include:

- the potential for multiple advertisements in the one location;
- the effectiveness in attracting audience attention;
- flexibility;
- adaptability;
- the potential for cross-platform integration;
- the potential for interactivity; and
- the potential for data collection.¹⁴⁶

6.25 However, these positives do need to be considered in conjunction with possible downsides to such technological advances, which can include:

- significant energy use (unless sustainable sources are used);
- greater upfront cost;
- distraction;
- privacy issues (some smart advertising can use mobile data);
- installation complexity;
- inconsistent reliability; and

¹⁴³ Submission No. 159, Outdoor Media Association, p. 5.

¹⁴⁴ Submission No. 159, Outdoor Media Association, p. 2.

¹⁴⁵ Jessica Sier, 'T.Rowe Price likes the flashing lights of digital billboards, *The Sydney Morning Herald*, 28 July 2016. <http://www.smh.com.au/business/markets/t-rowe-price-likes-the-flashing-lights-of-digital-billboards-20160727-gqf3ai.html>.

¹⁴⁶ Billboards Australia, <http://www.billboardsaustralia.com.au/formats/digital-billboards> Accessed October 2017; APN Outdoor, <http://www.apnoutdoor.com.au/products/digital-billboards>, Accessed October 2017; Star Marketing Company <https://starmarketingcompany.wordpress.com/2012/08/22/pros-and-cons-photographic-and-digital-billboard-signs/> Accessed October 2017; ConnectUS <https://connectusfund.org/6-advantages-and-disadvantages-of-billboard-advertising>, Accessed October 2017.

- high maintenance.¹⁴⁷

6.26 In their evidence to the Committee the ACT Government stated they were not averse to a small number of digital billboards in the ACT, particularly those that light up and show different messages. They indicated such signs would be a means to provide more flexibility for event organisers and businesses to advertise.¹⁴⁸

... for example: government owned infrastructure which can be leased to an advertiser (local or otherwise) for a certain amount of time per day/week, while providing community information (such as traffic information or events) the remainder of the time. It could also be used for community messaging in emergencies or supporting access to events and activities.¹⁴⁹

ENLIVENING URBAN SPACE

6.27 In their submission to the inquiry Canberra Town Planning, on behalf of Van Wagner Outdoor, focused on the way billboards could enliven urban space stating that:

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.¹⁵⁰

6.28 However, the concept of enlivening urban areas through the installation of billboards, digital or otherwise, was strongly dismissed by many submitters and witnesses involved in the inquiry amid a feeling that enlivening public space was a completely separate matter that should be the subject of another ‘conversation’ or ‘inquiry’.¹⁵¹

6.29 John and Margaret Finnegan indicated that they found the ‘enlivening urban space’ concept ‘quite baffling’, stating that ‘Its people interacting in parks, cafes, pubs, nightclubs, shops etc. that enliven urban areas, not billboards.’¹⁵²

6.30 Ms Cleland in her submission agreed that:

‘enlivening’ urban areas with billboards is a laughable claim. Areas are enlivened with cultural activity – art, sport, music, dance and community gathering, not with images

¹⁴⁷ Billboards Australia, <http://www.billboardsaustralia.com.au/formats/digital-billboards> Accessed October 2017; APN Outdoor, <http://www.apnoutdoor.com.au/products/digital-billboards>, Accessed October 2017; Star Marketing Company <https://starmarketingcompany.wordpress.com/2012/08/22/pros-and-cons-photographic-and-digital-billboard-signs/> Accessed October 2017; ConnectUS <https://connectusfund.org/6-advantages-and-disadvantages-of-billboard-advertising>, Accessed October 2017.

¹⁴⁸ Submission No. 166, ACT Government.

¹⁴⁹ Submission No. 166, ACT Government, p.16.

¹⁵⁰ Submission No.122, Van Wagner Outdoor.

¹⁵¹ Submission No.24, Dr Lisa Petheram; Submission No.21, Ian McAuley.

¹⁵² Submission No.61, John and Margaret Finnegan.

and slogans designed to make people feel inadequate with what they have and how they are.’¹⁵³

- 6.31 This social aspect was supported by a number of submitters with many suggesting that more resources for public art, murals, music, wellbeing events etc. would enliven public spaces and benefit communities.

Public art, useable spaces and changing interactive experiences are what enlivens public space by drawing people into them....advertising through its focus on repetition is not enlivening but the opposite. Its ubiquity has a deadening in effect as it removes difference and dynamism.’¹⁵⁴

- 6.32 Whilst there was strong opposition to using billboards to enliven urban areas, Ben Langley suggested that the objective to enliven urban areas whilst still maintaining the aesthetic character of the ACT could be achieved by partnering ‘with entities on a case by case basis to create interesting and creative installations in urban areas that may also serve some promotional purpose.’¹⁵⁵

- 6.33 Such a concept was referred to by Canberra Town Planning in their submission on behalf of Van Wagner Outdoor. They made reference to mural programs that had been introduced in Miami and Dallas to encourage urban rejuvenation and attract investment to unappealing neighbourhoods.¹⁵⁶ These murals were defined as:

painting or artistic work (including collage effects) composed of pictures or arrangements of colour 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 wall.’¹⁵⁷

- 6.34 Ms Cleland, however, highlighted the distinction that needs to be made between art and artistic billboards:

We should get artists involved; they should make art on our public spaces. That is a completely different question to whether our billboards should be artistic.’¹⁵⁸

¹⁵³ Submission No.38, Deborah Cleland.

¹⁵⁴ Submission No.7, Imogen Ebsworth.

¹⁵⁵ Submission No.83, Ben Langley.

¹⁵⁶ Submission No.122, Van Wagner Outdoor.

¹⁵⁷ Submission No.122, Van Wagner Outdoor.

¹⁵⁸ Ms Deb Cleland, *Transcript of Evidence*, 6 September 2017, p. 73.

7 REVIEW OF THE REGULATORY ENVIRONMENT FOR SIGNAGE IN THE ACT

7.1 In their evidence to the Committee it was evident that the ACT Government acknowledged the need for, and supported, a more consistent, transparent, simpler, consumable and modern policy and regulatory environment in relation to billboards and other signage within the ACT.¹⁵⁹

...current regulatory requirements and arrangements are no longer current and need to be made fit-for-purpose and effective. Current regulatory settings for outdoor advertising are outdated and promote inconsistent outcomes for advertising across Canberra. It is no longer clear that they meet community or advertising industry expectations and needs.¹⁶⁰

7.2 Mr Hussey-Smith in his evidence to the Committee concurred with this view and advocated for legislative and policy review:

I definitely think we have a problem with advertising and certainly think that we should not introduce billboards into the ACT but I am absolutely also in favour of a legislative review making sure that the rules are very clear....For many reasons, citizens do not understand it; I do not think bureaucrats fully understand it; compliance officers do not understand it; and I do not think advertisers understand it either. But that is certainly not an argument for more advertising. If anything, it is for less. I think the fact that it is such a mess is part of the disempowering nature of the scheme at the moment.¹⁶¹

7.3 The ACT Government suggested that a review could consider actions such as:

- improving the look of the city to match community expectations;
- promoting Canberra as a smart and sophisticated city;
- complementing Canberra's role as the nation's capital and its character as a garden city;
- providing for consistent outcomes across forms and land use;
- promoting the integration of the Canberra community through improved access to community, public service, public emergency or tourist information;
- addressing public amenity, safety and environmental concerns;

¹⁵⁹ *Transcript of Evidence*, 9 August 2017, p. 27.

¹⁶⁰ Submission No. 166, ACT Government, p. 22.

¹⁶¹ Mr Sam Hussey-Smith, *Transcript of Evidence*, 6 September 2017, pp. 70-71.

- embedding the principle of sustainability through types of technology use and impact on the environment;
- allowing for greater economic opportunities for organisations, businesses and government; and
- community education and engagement on outdoor advertising.¹⁶²

7.4 Evidence received during the inquiry suggests that there are planning, regulatory and drafting considerations that need to be taken into account when reviewing the relevant legislative documents and associated guidelines, regulations and codes of practice.

7.5 It was also advocated that such a review consider input from relevant studies and regulatory systems in other jurisdictions as well as input from industry, businesses and the community.

PLANNING CONSIDERATIONS

7.6 Whilst there were concerns that having 'zones' for billboards could 'change the character of the streetscape of Canberra'¹⁶³ it was suggested that if billboards were to be introduced in the ACT, that residential areas should not be impacted, however, zones which are commercial and industrial in nature, could be appropriate locations for larger or electronic signage.¹⁶⁴

7.7 Canberra Town Planning in their submission on behalf of Van Wagner Outdoor 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.¹⁶⁵

7.8 The OMA emphasised the need to future proof any signs code by not designating specific areas for signs but by following the example in other jurisdictions where 'planning zones are used to align with where signs are allowable.'¹⁶⁶ OMA was of the opinion that this:

allows a bit more flexibility because zoning can change for particular land and zoning will generally encompass a bit more than one specific designated area.¹⁶⁷

¹⁶² Submission No. 166, ACT Government, pp. 22-23.

¹⁶³ *Transcript of Evidence*, 4 September 2017.

¹⁶⁴ Submission No.121, Planning Institute Australia.

¹⁶⁵ Submission No.122, Van Wagner Outdoor.

¹⁶⁶ *Transcript of Evidence*, 6 September 2017, p. 52.

¹⁶⁷ Ms Tess Phillips, *Transcript of Evidence*, 6 September 2017, p. 54.

If you are talking about zones, that does not mean that you have to say yes to every sign application. It is still a DA process. There are still some checks and balances put into place. To try, in the guidelines, to regulate it to a specific spot is very restrictive and you probably will not get as much investment in the end.¹⁶⁸

- 7.9 The regulatory bodies focused on a zone or precinct approach in their evidence to the Committee with the ACT Government advocating for a ‘quality’ over ‘quantity’ approach to regulatory change and a ‘precinct based approach to the approval of signs’ as opposed to a ‘stand-alone signs code.’¹⁶⁹
- 7.10 The NCA were also supportive of regulating signage through the planning system as it is a means of limiting the ‘environmental or aesthetic impact’ of the signs. They indicated that the regulation of the ‘number, size, location, advertising period and content’ through such a system would be effective, but only if planning laws required development applications for signs and that these laws were complied with.¹⁷⁰
- 7.11 However, the NCA were also very clear in stating that they:
- would not be willing to cede any Designated Area for the purposes of establishing a ‘zone’ for billboards 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 zone¹⁷¹

REGULATORY CONSIDERATIONS

- 7.12 The views of submitters and witnesses and the processes followed in other jurisdictions have suggested that there are a number of conditions and criteria that should be amended or considered for inclusion in any updates to the regulatory system for signage in the ACT.
- 7.13 Although the following list is not exhaustive, these could include¹⁷²:

¹⁶⁸ Ms Charmaine Moldrich, *Transcript of Evidence*, 6 September 2017, pp. 54-55.

¹⁶⁹ Submission No. 166, ACT Government, pp. 2; 5.

¹⁷⁰ Submission No.164, National Capital Authority, p. 7.

¹⁷¹ Submission No.164, National Capital Authority.

¹⁷² *Revised South African Manual for Outdoor Advertising Control* <https://www.environment.gov.za/documents/strategicdocuments/samoac>. Accessed August 2017; *Draft Transport Corridor Outdoor Advertising and Signage Guidelines December 2015* <https://majorprojects.accelo.com/public/18f24554cd4fa5077976c6dd9e159212/Draft%20Transport%20Corridor%20Outdoor%20Advertising%20and%20Signage%20Guidelines.pdf> Accessed August 2017; *Victoria Planning Provisions* http://planningschemes.dpcd.vic.gov.au/schemes/combine/ordinances/VPPs_All_Clauses.pdf ; <http://planningschemes.dpcd.vic.gov.au/schemes/vpps> Accessed August 2017; *Roadside Advertising Guide, August 2013* [file:///C:/Users/annemieke%20jongsma/Downloads/roadsideadvertisingguide%20\(7\).pdf](file:///C:/Users/annemieke%20jongsma/Downloads/roadsideadvertisingguide%20(7).pdf), Accessed August 2017; *Advertising Signs Assessment Guidelines for Road Safety* https://www.dpti.sa.gov.au/_data/assets/pdf_file/0019/145333/DPTI-Advertising-Signs-Assessment-Guidelines.pdf, p. 25. Accessed August 2017; *Tasmanian Planning Scheme* http://www.justice.tas.gov.au/_data/assets/pdf_file/0007/370294/State_Planning_Provisions.PDF, Accessed August 2017.

TYPES OF SIGNAGE

- definitions and descriptions of sign types (including static and dynamic; non-digital and digital (electronic); single vision and multi-vision etc);
- images of sign types; and
- examples of sign types;

CONTENT OF SIGNAGE

- type of content - first-party, second-party, third-party;
- community messaging content;
- commercial content; and
- specific conditions for designated locations that need to apply in addition to industry codes.

CONSTRUCTION/INSTALLATION/REMOVAL OF SIGNAGE

- compliance with building regulations; and
- compliance with electrical standards.

MAINTENANCE OF SIGNAGE

- cleaning of graffiti and tags;
- lighting components;
- structural components; and
- power sources.

DURATION

- length of time sign is to be in/at the location.

INDEMNITY AND INSURANCE

- adequate coverage for situations that may involve damage, destruction, accidents, defamation and third party injury.

IMPACT OF SIGNAGE ON ROAD SAFETY

- drivers line of sight;
 - reflections and light;
 - dangerous locations and locations with a crash history;
-

- similarity of signs to traffic control devices; and
- vertical and horizontal clearance from carriageway.

REGULATION ENFORCEMENT

- responsible parties for enforcing rules and regulations; and
- penalties that apply for non-compliance.

COMPLAINTS

- processes and procedures for complaints about signage;

IMPACT OF SIGNAGE ON VIEWS AND VISTAS

- views to existing signs;
- dominance of skyline;
- impact on vistas of significance; and
- removal of views.

IMPACT OF SIGNAGE ON CHARACTER AND AMENITY OF AN AREA

- significance as the national capital;
- property values;
- compatibility with the current and desired future character of the area;
- consistency with current advertising and visual amenity;
- sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape and residential character; and
- capacity to complement and do not obstruct architectural style of building.

PREVALENCE AND SCALE OF SIGNAGE

- number of signs in total;
- necessity for replication or duplicate signage;
- distance between signs;
- consideration of potential for visual clutter; and
- scale and form of the signage relative to the scale, proportion and any other significant characteristics of the host site, host building, streetscape, setting or landscape.

PHYSICAL CHARACTERISTICS OF SIGNAGE

- noise;
- illumination and luminance;
- size, shape and colour;
- movement and rotation;

- characteristics of the supporting structure; and
- height from ground.

DIGITAL AND EXTRA LARGE SIGNAGE

7.14 In general it is also commonplace to stipulate additional criteria for signs exceeding a certain size and for digital signage or signage that is illuminated, as these kinds of signs can impose additional effects on local residents and passers-by and would also likely have a greater radius of affect.

7.15 Often large signs approximately the size of a large billboard in other jurisdictions, such as Victoria:

- are situated commercial and industrial locations only
- are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways
- are discouraged within open space reserves or corridors and around waterways.
- are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant view lines.
- are in areas with a strong built form character only where they are not a dominant element in the streetscape and are discouraged from being erected on the roof of a building.¹⁷³

7.16 If digital billboards are introduced in the ACT there would a need for them to comply with the same requirements as other advertising signage with additional criteria to encompass elements such as:

- dwell time;
- animation;
- transition;
- luminance levels; and
- energy consumption

DRAFTING CONSIDERATIONS

7.17 The current spread of information on signage codes and regulations across so many sources has been highlighted as a significant concern, particularly as it has made it very difficult for

¹⁷³ *Victoria Planning Provisions*
http://planningschemes.dpcd.vic.gov.au/schemes/combine;ordinances/VPPs_All_Clauses.pdf ;
<http://planningschemes.dpcd.vic.gov.au/schemes/vpps> Accessed August 2017.

stakeholders to locate and understand what is allowed in term of advertising signage in the ACT.¹⁷⁴ As a consequence it was suggested that a 'tidying up' and simplification of the regulatory documents would be of great assistance:

If you do end up making a recommendation to both clarify and enforce the existing codes and perhaps a further recommendation that they are tidied up or whatever, it would be very helpful.¹⁷⁵

So if we could achieve an outcome that is simpler, easier to navigate, more consumable, I think that would be ideal.¹⁷⁶

- 7.18 It was also noted that consideration would also need to be given as to whether existing signs would be grandfathered into any new regulatory arrangements, particularly those which would fall outside new regulations:

... it would be very helpful, given the tenor of submissions, petitions and all the rest of it to not see egregious examples grandfathered. That is both unfair commercially and unfair in terms of public sentiment...it would be really unfortunate to grandfather idiosyncrasies, not least because it creates ongoing pressure to then change the legislation. It is not a clean closure of the issue to represent community sentiment; it becomes an ongoing problem.¹⁷⁷

INDUSTRY INVOLVEMENT IN REVIEW

- 7.19 As indicated in Chapter 2 the peak national industry body for the OOH advertising industry organisation is the OMA.

- 7.20 As has been confirmed by the ACT Government, the OMA has been in talks with the ACT Government over the past 18 months; however the OMA informed the Committee that this communication was on their instigation and sought to clarify their position in relation to working with the ACT Government on advertising signage policy and regulation in the ACT:

...the OMA is not here to advocate for the removal of all regulation when it comes to signage. We are here to advocate, instead, for reasonable, evidence-based regulations. We want to collaborate with government to create vibrant and economically viable cities where business works in partnership with government and the community.¹⁷⁸

¹⁷⁴ *Transcript of Evidence*, 6 September 2017, pp. 55; 69-70; 85.

¹⁷⁵ Ms Imogen Ebsworth, *Transcript of Evidence*, 6 September 2017, p. 85.

¹⁷⁶ Mr Ben Ponton, *Transcript of Evidence*, 9 August 2017, p. 27.

¹⁷⁷ Ms Imogen Ebsworth, *Transcript of Evidence*, 6 September 2017, p. 85.

¹⁷⁸ Submission No. 159, Outdoor Media Association, p. 6.

- 7.21 In their evidence to the Committee the OMA indicated that that they have worked with other states and territories as well as with road authorities across Australia to formulate regulations, guidelines and codes for OOH advertising signage, including billboards:

We worked with local government authorities in states to come up with some model signage codes which councils have adopted. We have got a series of model codes for different zoned councils.¹⁷⁹

The Model Code provides a set of practical and effective planning controls for advertising devices. Overall, it aims to balance placement, design and business outcomes for government, the community and the OOH advertising industry.¹⁸⁰

COMMUNITY INVOLVEMENT IN REVIEW

- 7.22 As has been stated by a number of submitters the community should be involved in any review process or change of the 'rules' and that consultation could occur in a variety of ways, including via a survey, community meeting, additional inquiries or citizen juries.¹⁸¹ The Medical Association for Prevention of War (Australia) also stated that:

Any such change demands full consultation with the people of Canberra, with as long a timeframe as that needs.¹⁸²

- 7.23 The ACT Government in their submission acknowledged the need to involve the community stating that:

Any public discussion of outdoor advertising signage, including billboards, is likely to raise community interest and debate...The views of the community on what constitutes acceptable outdoor advertising could be tested as part of a review, and individually with any project initiatives, to promote the alignment of community perceptions and industry approach.¹⁸³

COMMITTEE COMMENT

- 7.24 The Committee recognises that whilst there was an overwhelming proportion of submissions that did not want any relaxation of the current restrictions on billboards in the ACT there was also a clear indication that the current regulatory scheme which applies to signage in the ACT was inadequate.

¹⁷⁹ Ms Charmaine Moldrich, *Transcript of Evidence*, 6 September 2017, p. 55.

¹⁸⁰ Submission No. 159, Outdoor Media Association, p. 6.

¹⁸¹ Submission No.39, Chris Finnigan.

¹⁸² Submission No.128, Medical Association for Prevention of War (Australia).

¹⁸³ Submission No. 166, ACT Government, p. 14.

- 7.25 The Committee noted that the views expressed by contributors to the inquiry illustrated that public confidence is difficult to maintain when advertising rules and regulations are unclear or are seemingly incomplete.
- 7.26 The Committee recognises that the OOH advertising industry has a commercial interest in establishing billboards in the ACT but notes their willingness to work with government and regulatory agencies in this sphere.
- 7.27 Furthermore, in reviewing, compiling or creating regulations for billboard and other advertising in the ACT it should be acknowledged that a significant contribution to this process can be made by the advertising industry, other jurisdictions, and the ACT community.
- 7.28 The Committee is of the view that any review of the current regulatory system for signage in the ACT should take into account how the Signs General Code 2008 (ACT), *Public Unleased Land Act 2013*, *Planning and Development Act 2007* and associated regulations and codes of practice currently interact and the impact of any changes on existing signage across the ACT.
- 7.29 The Committee is of the view that any regulatory model for OOH advertising signage should be subject to regular review, monitoring and improvements.

Recommendation 5

- 7.30 The Committee recommends that the ACT Government, when undertaking the review outlined in Recommendation 1:**

- **modernise the content and language of all relevant rules and regulations to accommodate and incorporate digital technology;**
- **update the types, definitions, descriptions and criteria for signs that can be displayed in the ACT;**
- **incorporate technology neutral definitions of signage, including billboards;**
- **increase the accessibility, transparency and consistency of the relevant rules and regulations;**
- **respect the role of the ACT as the national capital; and**
- **include specific additional criteria, such as luminance, dwell time etc. for electronic/digital signs, particularly when road safety and proximity to residential areas is a factor.**

Recommendation 6

- 7.31** The Committee recommends that the ACT Government consider a precinct specific/zone specific approach to signage, including billboards.

Recommendation 7

- 7.32** The Committee recommends that the ACT Government, in undertaking the review outlined in Recommendation 1 fully consult with the ACT community using a variety of formats and mediums.

Recommendation 8

- 7.33** The Committee recommends that the ACT Government should not grandfather existing signage under any new or amended legislation, regulations or Codes of Practice.

Recommendation 9

- 7.34** The Committee recommends that the ACT Government, following the completion of the review outlined in Recommendation 1, ensure that the regulatory model for signage in the ACT undergoes regular monitoring and review.

8 REGULATORY ENFORCEMENT OF SIGNAGE IN THE ACT

COMPLAINTS ABOUT SIGNAGE

- 8.1 The ACT Government in their submission acknowledged that with a current ‘separation of compliance activity’ between TCCS, EPSDD and the NCA there is no ‘single gateway to business regulation.’¹⁸⁴
- 8.2 Mr Hussey-Smith echoed this sentiment from a community perspective, indicating that because of the confusion in legislation and associated material: ‘People do not know what they can actually complain about.’¹⁸⁵
- 8.3 The ACT Government evidence to the Committee indicated that there has been an average of less than two complaints per year to Access Canberra in relation to signage which have been investigated by EPSDD under the *Planning and Development Act 2007*.
- 8.4 Although there was no detail provided to the Committee on these matters the ACT Government indicated that under the *Planning and Development Act 2007* a complaint must be raised before action can be taken and according to the employed ‘risk-based approach’ to complaint handling in the EPSDD, complaints about signage are considered ‘low risk’ and low priority.¹⁸⁶
- 8.5 The Committee observed that there were a significantly greater number of matters dealt with by the TCCS as a result of complaints received and action taken under the Public Unleased Land (Movable Signs) Code of Practice 2013. In their response to a question taken on notice, the TCCS indicated to the Committee that they had resolved 266 complaints over the 2015-16 financial year and 240 complaints over the 2016-17 financial year in relation to movable and fixed signage.¹⁸⁷
- 8.6 The TCCS also advised the Committee that non-compliant signs were immediately removed if they were a danger or obstruction. If a sign was non-complaint but posed little risk of harm a

¹⁸⁴ Submission No. 166, ACT Government, p. 10.

¹⁸⁵ Mr Sam Hussey-Smith, *Transcript of Evidence*, 6 September 2017, p. 70.

¹⁸⁶ Submission No. 166, ACT Government, p. 10.

¹⁸⁷ *Answer to Question Taken on Notice 1*, received 21 August 2017; *Transcript of Evidence*, 9 August 2017

direction may be issued to the owner of the sign to remove it. If the sign is not removed within seven days the City Rangers would then impound it and issue an infringement notice.¹⁸⁸

- 8.7 In terms of advertising content on outdoor advertising there is no ACT specific data available. However on a national basis, complaints to the Advertising Standards Bureau about the content of outdoor advertising have fallen by nearly 15%.¹⁸⁹

ENFORCEMENT OF SIGNAGE POLICY AND REGULATIONS

- 8.8 The perceived lack of enforcement of existing signage policy and regulations was articulated in a number of submissions with many believing that this had led to the 'flouting' and 'skirting' of current sign regulations, with signs on the Canberra Centre, National Convention Centre, bus wraps and bus shelters receiving the most attention.¹⁹⁰

It appears that the regulations pertaining to the use of billboards have not been enforced for some years. Consequently, certain commercial areas have experienced problems with the placement of billboards in public spaces to the detriment of pedestrians and road users. Action buses and public bus stops have become apparent sources of advertising revenue. Large, backlit signs, which can be distracting for drivers, have begun to occupy prominent positions on major thoroughfares around the city.¹⁹¹

The ACT government has failed to enforce the regulations, or the terms of the existing regulations themselves are too weak. Currently there are multi-storey advertisements on the side of the Canberra Centre, even some for products unrelated to the stores within. The community is not interested in whether it is legal on a technicality or not, we see a billboard, and we don't like it.¹⁹²

- 8.9 The ACT Government in their evidence to the Committee acknowledged that due to the age of the regulations and the length of time that has passed since they were 'looked at' there have been instance of 'bracket creep' or 'sign creep' where signs not clearly defined in the regulations, and that could be seen to be billboards, have been allowed to proliferate.¹⁹³
- 8.10 It was recommended by a number of submitters that, irrespective of what future action may be taken in this regards, that:

¹⁸⁸ Answer to Question Taken on Notice 2, received 21 August 2017; *Transcript of Evidence*, 9 August 2017.

¹⁸⁹ Outdoor Media Association – Complaints <http://www.oma.org.au/regulation-and-community/advertising-content-and-self-regulation/complaints>, Accessed August 2017.

¹⁹⁰ Submission No. 48, UnionsACT.

¹⁹¹ Submission No.151, Anne Forrest.

¹⁹² Submission No. 20, Reuben Ingall.

¹⁹³ *Transcript of Evidence*, 9 August 2017, p. 7.

improving the governance and enforcement of the regulations would be a more effective way to address the "stretching" of the regulations than further relaxing them.¹⁹⁴

COMMITTEE COMMENT

- 8.11 In contrast to the public sentiment displayed in submissions to the inquiry and the level of public concern about existing signs, there was a very low number of complaints registered with Access Canberra about signage in the ACT. The Committee suggests that this indicates that the level of concern about signage in the ACT cannot be correlated with the number of complaints.
- 8.12 The Committee also suggests that, as there is a lack of accessible and definitive information in relation to what is and isn't allowed in relation to signage in the ACT, and no clear information about what the process is for complaining about signs, there are many people in the community who are very concerned about signage in the ACT but don't do anything about it because they don't know what they can do about it.
- 8.13 A lack of enforcement, which results in advertisers who apparently breach the rules not being penalised or disadvantaged in some way, is also seen by the Committee to be contributing to a lack of public confidence and engagement with available processes.
- 8.14 The Committee believes that the most effective way of combating this public sentiment is to not only review, update and modernise applicable rules and regulations but to prevent the establishment of signage that is likely to cause offence or pose a risk to safety in the first place.
- 8.15 Where prevention is not possible, an accessible complaints process and an expedited investigation process is essential in maintaining public and industry confidence. Timeliness in reaching determinations about complaints is also integral to the effectiveness of a complaints process.
- 8.16 In a reactive, complaints driven system such as that employed by the ACT Government the Committee notes that compliance surveys, such as those employed in the UK, would be able to identify overall compliance rates for advertising signage without relying on the public to report or have knowledge of applicable codes.
- 8.17 Even if compliance surveys were employed, the Committee notes that improved accessibility to information and education about what signage can be complained about and where such complaints can be lodged would go some way to overcoming public reluctance to lodge complaints and enhance the ability for regulatory bodies to respond. This could be by way of improvements to the 'Fix my Street' portal.

¹⁹⁴ Submission No. 39, Chris Finnigan.

- 8.18 On a similar basis there is a need for increased accessibility for advertisers to clear and detailed information about legislative and regulatory requirements relating to applying for and establishing advertising signage of any nature in the ACT.

Recommendation 10

- 8.19 **The Committee recommends that the ACT Government, following the completion of the review outlined in Recommendation 1, conduct a compliance survey of signage within the ACT in order to address concerns about 'sign creep'.**

Recommendation 11

- 8.20 **The Committee recommends that the ACT Government conduct and publish annual random compliance surveys of signage within the ACT.**

Recommendation 12

- 8.21 **The Committee recommends that the ACT Government establish clear and accessible reporting avenues for the public to lodge complaints about signage in the ACT, and consider the potential capacity of the 'Fix my Street' portal when doing so.**

Recommendation 13

- 8.22 **The Committee recommends that the ACT Government, following the completion of the review in Recommendation 1, establish information and awareness campaigns about how to make a complaint in relation to advertising content, advertising signage and advertising signage locations, and what kind of compliance action can be taken.**

Recommendation 14

- 8.23 **The Committee recommends that the ACT Government ensure advertisers seeking to place advertisements in the ACT have access to appropriate advice and regulatory guidance.**

ADDITIONAL COMMENTS –
MS CAROLINE LE COUTEUR

Standing Committee on Planning and Urban Renewal: Inquiry into Billboards Additional Comments by Ms Le Couteur MLA

While I support the Committee's consensus report, it does not go far enough. The community responded overwhelmingly to this Inquiry and the near-unanimous view was that Canberra should not have more billboards - it should have less, preferably none.

The Committee received a large number of submissions – 166 in total – and almost all were from members of the community opposed to billboards. Further, almost 780 people signed petitions calling for the Government to *"maintain the prohibition on billboard advertising in the ACT, and properly enforce the current rules that regulate public advertising in the Territory"*.

The first submission the committee received from Craig McGill set the tone of the community comment by saying *"Go away and find something else to do but we do not want billboards in any way, shape or form. Just stop it"*¹. This view continued. As Mr Chris Endrey noted in his submission *"there was a virtual consensus amongst the many commenters across all of their platforms: the community is strongly opposed to billboard advertising in the ACT."*²

Only six submissions told the Committee they supported billboards.

Reasons for the community objections

The most common reason for objection was concern about visual pollution. As Jacqui Malins stated *"it is always a relief to come home to Canberra from other capital cities because of the much lower level of visual 'noise'. Our natural environment is subtle but stunning, and as 'the bush capital', it sets us apart. Our built environment is also distinctive. Given that the purpose of billboards is to attract the attention of passing traffic, generally fast-moving motorists, it is difficult to imagine how design regulation would work effectively to make them lower in aesthetic impact while still being effective"*.³

Many other submitters were concerned about possible negative impact on drivers. As Neville Hills stated *"Outdoor advertising on highways etc. exists solely to distract drivers, why else would it be there?"*⁴

Many submitters assumed that the reason to consider allowing more billboards was government and commercial revenue and were offended by this. As Stuart McMillen put it *"I object to billboard advertising because it privatises the public spaces of our city...We enter a situation where certain advertisers profit, and the rest of the community suffers visual pollution at the expense of a few winners."*⁵

This was not the only concern about advertising. As Liam Lilly stated *"Canberra has the biggest ecological footprint in Australia...We don't need more advertising to promote mindless consumerism and convince us to buy more things...Advertising is the fuel of the consumer economy, and it has a direct link to rising material aspirations, environmental destruction, consumer debt, and the number of hours we*

¹ Submission No. 1, Craig McGill

² Submission No. 79, Chris Endrey

³ Submission No. 13, Jacqui McNee

⁴ Submission No. 8, Neville Hills

⁵ Submission No. 33, Stuart McMillen

work...Effective advertising makes us feel inadequate, further adding to rates of depression, anxiety, and mental illness.”⁶

Lack of industry support

The Committee heard arguments from the ACT Government and advertising industry lobbyists that billboards would benefit the local economy. There was no compelling evidence presented to support this. In fact, several submitters raised concerns that billboards would largely be used by national brands to draw customers away from our local small businesses. There was only one submission from a local business in support of billboards, and none of Canberra's business groups made a submission. This suggests an almost-total absence of interest in having more billboards amongst Canberra businesses.

Government transport billboards – full wrap buses and bus shelters

A large number of submitters raised concerns with the ACT Government's growing use of what are effectively billboards to fund transport services. 'Wrap' billboards that completely cover buses and billboards on bus shelters came in for particularly strong criticism.

Submitters told the Committee that 'wrap' billboards make it very difficult for passengers to see out of buses at night – see for example Submission 2.⁷ This makes the ride much less comfortable and can potentially lead to passengers missing their stop. Evidence to the Assembly's Estimates Committee from a senior transport official in June this year also highlighted the impact bus 'wrap' billboards have on drivers:

“One of the other things we are experiencing is that some of the all-over bus wraps sometimes block the drivers' ability to see who is there.”⁸

It is unacceptable that bus billboards are reducing drivers' ability to safely board passengers and reducing passenger comfort.

In response to the community's overwhelming concerns about billboards and advertising signage more generally, I make the following additional recommendations.

1. **That the ACT Government responds to the clear expression of community concerns by explicitly prohibiting billboards in the Territory Plan**
2. **That the ACT Government review all billboards and third-party advertising on its property and reduce it in line with community expectations**
3. **That the ACT Government phase out bus 'wrap' billboards that cover the windows of buses in recognition of the concerns of bus users and drivers**
4. **That the ACT Government tighten advertising signage regulations in the Territory Plan to:**
 - a. **Prohibit third party advertising on all signage**
 - b. **Reduce the maximum permitted size of other business advertising signage**

⁶ Submission No. 4, Liam Lilly

⁷ Submission No. 2, Conrad Burden, Barbara Nelson and Geoffrey Nelson

⁸ Select Committee on Estimates 2017-2018, evidence by Mr McGlenn, 29/6/2017, transcript page 908

- c. **Close loopholes that allow billboards and other very large signs on the grounds they are “temporary” or “Ancillary Use”.**

Ms Caroline Le Couteur MLA

24 October 2017

APPENDIX A SUBMISSIONS

Submission 001 - Craig McGill	Submission 088 - Patrick Cooke
Submission 002 - Nelson & Burden	Submission 089 - Jeremy Michael
Submission 003 - Robin Sevenoaks	Submission 090 - Sarah Lebner
Submission 004 - SEE CHANGE - Liam Lilly	Submission 091 - Paurus Bharucha
Submission 005 - Jonathon Crane	Submission 092 - Weston Creek Community Council
Submission 006 - Hugh Dakin	Submission 093 - Nataschja Budel
Submission 007 - Imogen Ebsworth	Submission 094 - Elmar Tilo Fobes
Submission 008 - Neville Hills	Submission 095 - Imogen Wall
Submission 009 - Daniel May	Submission 096 - Ann Cleland
Submission 010 - Kirsten Duncan	Submission 097 - Lance Williamson
Submission 011 - Katherine Harris	Submission 098 - Jacqueline White
Submission 012 - Thomas Hambleton	Submission 099 - Natalee Gersbach
Submission 013 - Jacqui Malins	Submission 100 - Gerry Satrapa
Submission 014 - Karen James	Submission 101 - Christopher Smith
Submission 015 - Nina Lucas	Submission 102 - Daniel Caldwell
Submission 016 - Confidential	Submission 103 - Maureen Cummuskey
Submission 017- Dr Hedda Ransan-Cooper	Submission 104 - Chris Winter
Submission 018 - Bernie Wiemers	Submission 105 - Erin Papps
Submission 019 - Tim Artelaris	Submission 106 - Jed Buffier
Submission 020 - Reuben Ingall	Submission 107 - Clare Lahiff
Submission 021 - Ian McAuley	Submission 108 - Bryce Henson

Submission 022 - The Green Institute	Submission 109 - Neil Gabbitas
Submission 023 - Megan Shellie	Submission 110 - Michael Priest
Submission 024 - Dr Lisa Petheram	Submission 111 - Laura Rayner
Submission 025 - Sam Hussey-Smith	Submission 112 - Hugh Blemings
Submission 026 - Alex Satrapa	Submission 113 - Dean Spaccavento
Submission 027 - Sarah Norgrove	Submission 114 - Jac Kotek
Submission 028 - Lawrence McIntosh	Submission 115 - Fred Pilcher
Submission 029 - National Convention Centre	Submission 116 - David Pollard
Submission 030 - Zoe Konovalov	Submission 117 - Gabrielle Caddy
Submission 031 - Derek Lark	Submission 118 - Simon Wall
Submission 032 - Trent Hewton	Submission 119 - Charles Gasgoigne
Submission 033 - Stuart McMillen	Submission 120 - Dr Peter Balint
Submission 034 - Michelle Hanson	Submission 121 - Planning Institute Australia
Submission 035 - Kathryn Kelly	Submission 122 - 1 - Van Wagner Outdoor - Main
Submission 036 - Sandi Logan	Submission 122 - 2 - Van Wagner Outdoor - Appendix A
Submission 037 - Eliza M. Medina	Submission 122 - 3 - Van Wagner Outdoor - Appendix B
Submission 038 - Deborah Cleland	Submission 122 - 4 - Van Wagner Outdoor - Appendix C
Submission 039 - Chris Finnigan	Submission 122 - 5 - Van Wagner Outdoor - Appendix D
Submission 040 - Mick de Groot	Submission 123 - Confidential
Submission 041 - Lauren Roberts	Submission 124 - Matt Fenwick
Submission 042 - Val Thomson	Submission 125 - Chunuma Morton

Submission 043 - Josie	Submission 126 - Paul Bissett
Submission 044 - Paul Dowden	Submission 127 - Inner South Canberra Community Council
Submission 045 - Name Withheld	Submission 128 - Medical Association for Prevention of War (Australia)
Submission 046 - Michael Dillon	Submission 129 - Patrick Dodgson
Submission 047 - David Jukes	Submission 130 - Imogen Jacobs
Submission 048 - UnionsACT	Submission 131 - Name Withheld
Submission 049 - Cris Clucas	Submission 132 - Michael Wilson
Submission 050 - Meg Blackman	Submission 133 - Louisa Dow
Submission 051 - Daniel Gamper	Submission 134 - Jennifer Paradowski
Submission 053 -Name Withheld	Submission 135 - Kurrajong
Submission 054 - Tom Thomson	Submission 136 - Mark Gibbons
Submission 055 - Helen Braund	Submission 137 - Zoe Anderson
Submission 056 - Uri Pierre Burmester	Submission 138 - Marcus Bongji
Submission 057 - Timothy Bogie	Submission 139 - Tom Swann
Submission 058 - Griffith Narrabundah Community Association Inc.	Submission 140 - Howie Tien
Submission 059 - Nathan Ward	Submission 141 - Natalia Sommer
Submission 060 - Matthew Clark	Submission 142 - Daniel Castro
Submission 061 - John & Margaret Finnigan	Submission 143 - Mark Ferguson
Submission 062 - David Boughey & Thao Tran	Submission 144 - Deakin Residents Association
Submission 063 - Michael Croft	Submission 145 - Iain Kendal
Submission 064 - Jack Kelly	Submission 146 - Siobhan Leslie
Submission 065 - Elizabeth Gaskell	Submission 147 - Phillipa Mathews

Submission 066 - Mike Breach	Submission 148 - G King
Submission 067 - Elizabeth Thurbon	Submission 149 - Tracy Liang
Submission 068 - Deborah Johns	Submission 150 - Sam Hamilton
Submission 069 - Keith Binnington	Submission 151 - Anne Forrest
Submission 070 - Jeannette Jordt	Submission 152 - Lachlan Brown
Submission 071 - Simon Copland	Submission 153 - Beth Slayter
Submission 072 - Dom Northcott	Submission 154 - Tim Green
Submission 073 - Rolando Ochoa	Submission 155 - Annie Close
Submission 074 - Julie Barnes	Submission 156 - Troy Wade
Submission 075 - Rachel Vines	Submission 157 - John Larocque
Submission 076 - Zabeta Moutafis	Submission 158 - Richard Barratt
Submission 077 - Dr M Foster	Submission 159 - OMA
Submission 078 - Sarah Avery	Submission 160 - Jason Doust
Submission 079 - Chris Endrey	Submission 161 - Chris Emery
Submission 080 - Belinda Hellyer	Submission 162 - Linda Steadman
Submission 081 - Graham Rayner	Submission 163 - AANA
Submission 082 - K A Moylan	Submission 164 - National Capital Authority
Submission 083 - Ben Langley	Submission 165 - Andy Read
Submission 084 - Damien Haas	Submission 166 - ACT Government
Submission 085 - Ben Brocchi	
Submission 086 - Aisha Swinton-Thomas	
Submission 087 - Martin Budden	

APPENDIX B WITNESSES

WEDNESDAY 9 AUGUST

Mr Mick Gentleman MLA, Minister for Planning and Land Management;

- Mr Brett Phillips, A/g Deputy Director-General, Sustainability and the Built Environment, EPSDD;
- Mr Ben Ponton, Director-General, EPSDD
- Ms Fleur Flanery, Executive Director, Planning Policy. EPSDD

MONDAY 4 SEPTEMBER

- Tim Hollo, The Green Institute

WEDNESDAY 6 SEPTEMBER

- Charmaine Moldrich, CEO, Outdoor Media Association
- Tess Phillips, General Manager, Outdoor Media Association
- Deb Cleland
- Imogen Ebsworth
- Sam Hussey-Smith
- Ian McAuley
- Tom Swann
- Chris Endrey

APPENDIX C QUESTIONS

Questions Taken on Notice

Standing Committee on Planning and Urban Renewal
Questions Taken on Notice – 9 August 2017

No	Hearing Date	Asked By	Directorate / Portfolio	Subject
1	9 August 2017	Ms Cheyne MLA	EPSDD	Complaints to TCCS
2	9 August 2017	Ms Cheyne MLA	EPSDD	Compliance Activity on Complaints to TCCS
3	9 August 2017	Ms Cheyne MLA	EPSDD	Complaint investigation
4	9 August 2017	Ms Cheyne MLA	EPSDD	Number of compliant signs investigated
5	9 August 2017	Ms Cheyne MLA	EPSDD	Number of partially compliant signs investigated
6	9 August 2017	Mr Milligan MLA	EPSDD	Bus Advertising
7	9 August 2017	Ms Lawder MLA	EPSDD	Associated Revenue
8	9 August 2017	Ms Lawder MLA	EPSDD	Cities reducing billboards

Questions on Notice

Standing Committee on Planning and Urban Renewal
Questions on Notice – 9 August 2017

No	Hearing Date	Asked By	Directorate / Portfolio	Subject
1	9 August 2017	Ms Le Couteur MLA	EPSDD	Third Party signage
2	9 August 2017	Ms Le Couteur MLA	EPSDD	Canberra Centre signage

APPENDIX D ADVERTISING SIGNAGE REGULATION IN OTHER JURISDICTIONS

ADVERTISING REGULATION AUSTRALIAN JURISDICTIONS – OUT OF HOME ADVERTISING (INCLUDING BILLBOARDS)

NEW SOUTH WALES

- 8.24 There are two main layers of regulation for ‘Out-of-Home’ (OOH) advertising in NSW: state regulation and local council regulation.
- 8.25 There are two key pieces of delegated legislation that comprise the state regulations. They are:
- the State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64); and
 - the Draft Transport Corridor Outdoor Advertising and Signage Guidelines.
- 8.26 SEPP64 sets out rules including in relation to outdoor advertising and signage including:
- Advertising which is prohibited in certain locations;
 - Advertising which requires consent under Part 4 of the *Environmental Planning and Assessment Act 1979* and lodgement of a development application; and
 - Advertising which is exempt development (noting that there are additional types of advertising that are exempt development in other environmental planning instruments e.g. real estate signs).¹⁹⁵
- 8.27 The Transport Corridor Outdoor Advertising and Signage Guidelines provide the following:
- Details of the general assessment criteria for advertisement proposals under SEPP 64 and design criteria for advertising structures within transport corridors;
 - Information about the road safety guidelines of the Roads and Maritime Authority (RMS) and the role of the RMS in approving certain types of advertising structures; and
 - Details of the public benefit test requirements for advertisements within transport corridors.¹⁹⁶

¹⁹⁵ *Draft Transport Corridor Outdoor Advertising and Signage Guidelines December 2015*
<https://majorprojects.accelo.com/public/18f24554cd4fa5077976c6dd9e159212/Draft%20Transport%20Corridor%20Outdoor%20Advertising%20and%20Signage%20Guidelines.pdf> Accessed August 2017.

8.28 The public benefit test is applied to 'ensure that advertising will result in a positive gain or benefit for the community'.¹⁹⁷ Where this test is applied an applicant must detail what arrangements they will make to provide an 'appropriate public benefit' which can be a monetary contribution or an 'in-kind' contribution such as:

- Improved traffic safety (road, rail, bicycle and pedestrian);
- Improved public transport services;
- Improved public amenity within or adjacent to the transport corridor;
- Support school safety infrastructure and programs; or
- other appropriate community benefits.¹⁹⁸

8.29 Outdoor advertising regulations at a local level is contained in Local Environment Plans (LEPs), Development Control Plans (DCPs), or in other council policy documents.¹⁹⁹

8.30 All applications for outdoor advertising and signage undergo the following process²⁰⁰:

¹⁹⁶ *Draft Transport Corridor Outdoor Advertising and Signage Guidelines December 2015*
<https://majorprojects.accelo.com/public/18f24554cd4fa5077976c6dd9e159212/Draft%20Transport%20Corridor%20Outdoor%20Advertising%20and%20Signage%20Guidelines.pdf> Accessed August 2017.

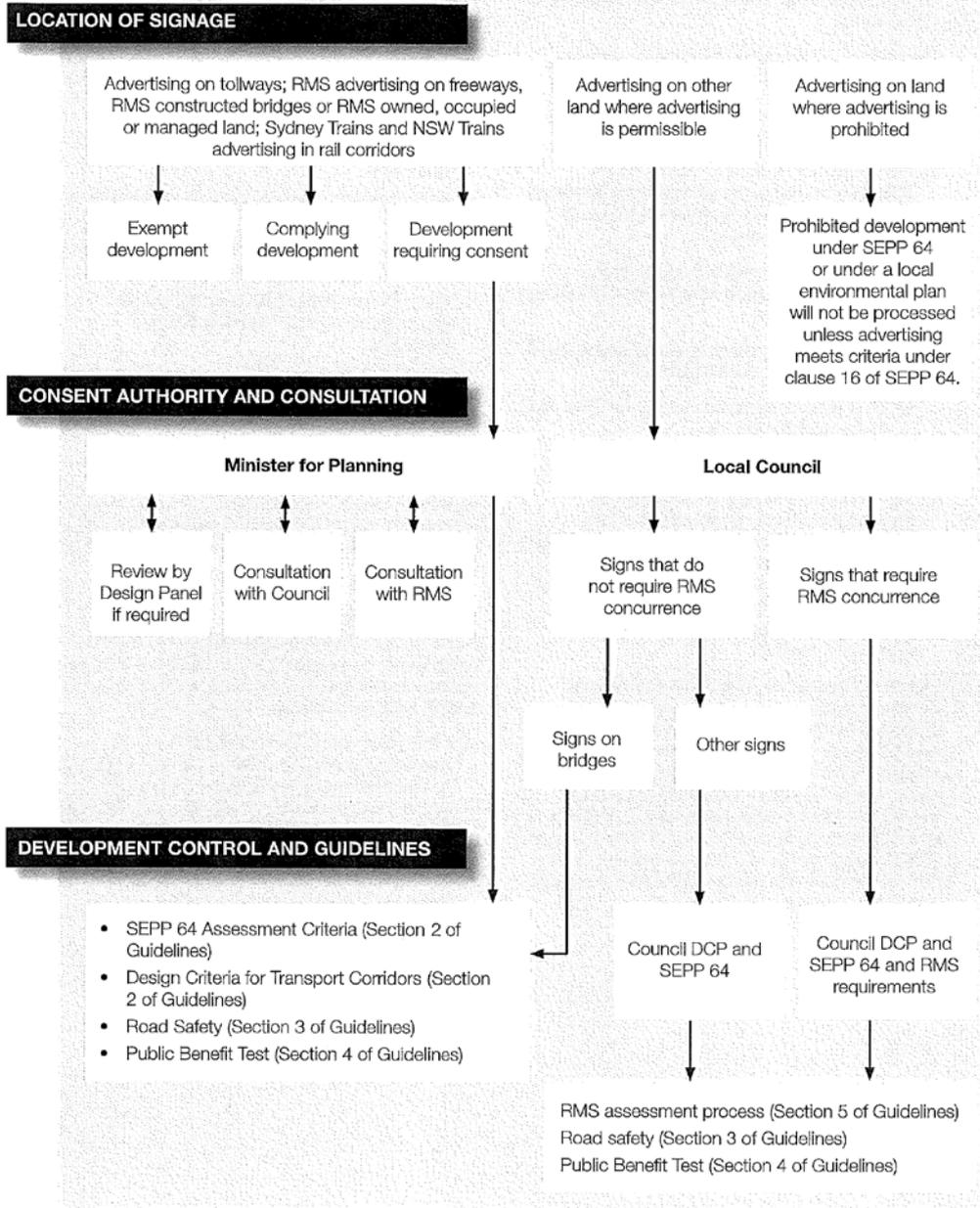
¹⁹⁷ *Draft Transport Corridor Outdoor Advertising and Signage Guidelines December 2015*
<https://majorprojects.accelo.com/public/18f24554cd4fa5077976c6dd9e159212/Draft%20Transport%20Corridor%20Outdoor%20Advertising%20and%20Signage%20Guidelines.pdf> Accessed August 2017.

¹⁹⁸ *Draft Transport Corridor Outdoor Advertising and Signage Guidelines December 2015*
<https://majorprojects.accelo.com/public/18f24554cd4fa5077976c6dd9e159212/Draft%20Transport%20Corridor%20Outdoor%20Advertising%20and%20Signage%20Guidelines.pdf> Accessed August 2017.

¹⁹⁹ *Outdoor Media Association, 'NSW Regulatory Affairs', 'State Regulation'* <http://oma.org.au/regulation-and-community/regulatory-affairs> Accessed August 2017.

²⁰⁰ *Draft Transport Corridor Outdoor Advertising and Signage Guidelines December 2015*
<https://majorprojects.accelo.com/public/18f24554cd4fa5077976c6dd9e159212/Draft%20Transport%20Corridor%20Outdoor%20Advertising%20and%20Signage%20Guidelines.pdf>, p. 6. Accessed August 2017.

FIGURE 1: OUTDOOR ADVERTISING AND SIGNAGE APPLICATIONS UNDER SEPP 64



QUEENSLAND

- 8.31 The *Planning Act 2016* provides the terms and categories of development for the making of local government Planning Schemes (also known as City Plans in the major centres) which are developed in consultation with the relevant communities and the state. These planning schemes must include relevant state interests as stipulated by the State Planning Policy.²⁰¹
- 8.32 The local government Planning Schemes and City Plans will often include a policy or local laws in relation to advertising devices, which:
- (a) means a permanent sign, structure or other device used, or intended to be used, for advertising; and
 - (b) includes a structure, or part of a building, the primary purpose of which is to support the sign, structure or device.²⁰²
- 8.33 Whilst local government has control over the display of Advertising Devices outside the boundaries of a state controlled road the Department of Transport and Main Roads (DTMR) has jurisdiction over signage on state controlled roads and declared motorways. The local authority can refer applications applicable to areas outside state controlled roads and declared motorways to the DTMR if the signage is visible from these roads. If the signage in this area is a danger to traffic the DTMR can require that the local authority remove it.²⁰³
- 8.34 According to the Roadside Advertising Guide billboards are considered a Category 1 Advertising Device, (the most governed level) in light of their significant administrative requirements and potential to impact on safety.²⁰⁴

VICTORIA

- 8.35 The objectives of planning for Victoria are set out in the *Planning and Environment Act 1987*. This legislation also establishes the Victoria Planning Provisions (VPP) which sets out the minimum standards and the framework which municipal councils are to use when developing their Planning Scheme.²⁰⁵

²⁰¹ Queensland's new planning system https://dilgpprd.blob.core.windows.net/general/NewPlanningSystem_v4.pdf Accessed August 2017.

²⁰² Queensland Legislation <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PlanningR17.pdf>, Accessed August 2017.

²⁰³ Roadside Advertising Guide, August 2013 [file:///C:/Users/annemieke%20jongsma/Downloads/roadsideadvertisingguide%20\(7\).pdf](file:///C:/Users/annemieke%20jongsma/Downloads/roadsideadvertisingguide%20(7).pdf), Accessed August 2017.

²⁰⁴ Roadside Advertising Guide, August 2013 [file:///C:/Users/annemieke%20jongsma/Downloads/roadsideadvertisingguide%20\(7\).pdf](file:///C:/Users/annemieke%20jongsma/Downloads/roadsideadvertisingguide%20(7).pdf), Accessed August 2017.

²⁰⁵ Planning Scheme Structure <https://www.planning.vic.gov.au/planning-schemes/planning-scheme-structure> Accessed August 2017.

- 8.36 A Planning Scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria and most will include an advertising signs policy or similar.²⁰⁶
- 8.37 Clause 52.05 of the VPP, sets out what is required to be incorporated into advertising sign policies. These include:
- Advertising categories;
 - Application Requirements;
 - Decision guidelines to be used by authorities when deciding on an application;
 - Signs exempt from requiring permits;
 - Requirements for “major promotion” signs;
 - Expiry dates for advertising permits; and
 - A table that sets out whether signs are allowed or prohibited in different zones (including size and placement restrictions).
- 8.38 Billboards are not defined in Victorian legislation, rules or regulations, however, signs greater than 18m² are subject to specific application processes, permit conditions, decision guidelines and placement restrictions.²⁰⁷

SOUTH AUSTRALIA

- 8.39 Advertisements that fall under the *Development Act 1993* and the Development Regulations 2008, require development approval from the relevant planning authority. This could be a local Council or the Development Assessment Commission (DAC). When applicable the application for an advertisement must also be approved by the Commissioner of Highways.²⁰⁸
- 8.40 Local councils each have a Development Plan which sets out the types of development that can or cannot take place. These plans stipulate desired character and appropriateness, amenity and interface compatibility, and public safety for each respective council area.²⁰⁹
- 8.41 All applications for outdoor advertising and signage undergo the following process²¹⁰:

²⁰⁶ *Victoria Planning Provisions* http://planningschemes.dpcd.vic.gov.au/schemes/combine/ordinances/VPPs_All_Clauses.pdf ; <http://planningschemes.dpcd.vic.gov.au/schemes/vpps> Accessed August 2017.

²⁰⁷ *Victoria Planning Provisions* <http://planningschemes.dpcd.vic.gov.au/schemes/vpps> Accessed August 2017.

²⁰⁸ *Advertising Signs Assessment Guidelines for Road Safety* https://www.dpti.sa.gov.au/data/assets/pdf_file/0019/145333/DPTI-Advertising-Signs-Assessment-Guidelines.pdf, Accessed August 2017.

²⁰⁹ *Advertising Signs Assessment Guidelines for Road Safety* https://www.dpti.sa.gov.au/data/assets/pdf_file/0019/145333/DPTI-Advertising-Signs-Assessment-Guidelines.pdf, Accessed August 2017.

²¹⁰ *Advertising Signs Assessment Guidelines for Road Safety* https://www.dpti.sa.gov.au/data/assets/pdf_file/0019/145333/DPTI-Advertising-Signs-Assessment-Guidelines.pdf, p. 25. Accessed August 2017.

APPENDICES

APPENDIX 6 – DEVELOPMENT ASSESSMENT PROCESS FOR ADVERTISING SIGNS

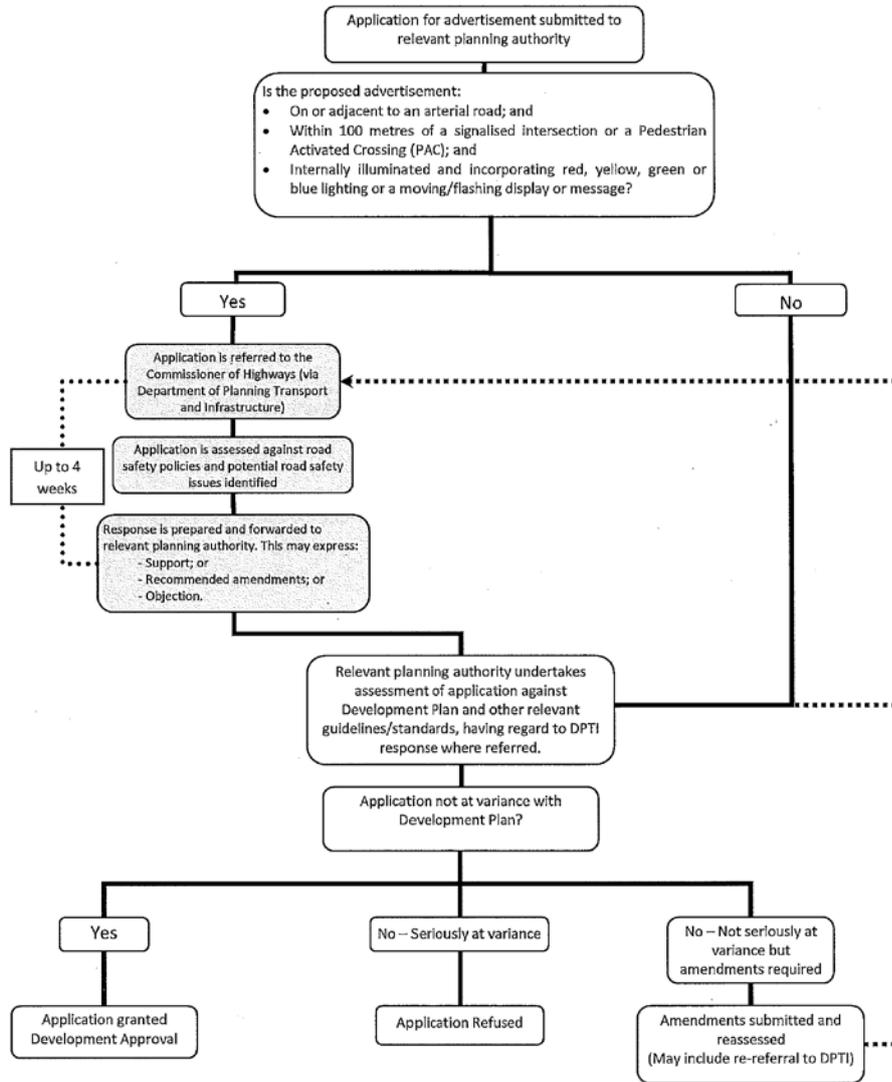


Figure 3 – South Australian Development Application Assessment Process as it applies to Advertising proposals and the role of the Commissioner of Highways (in green) and as such the Road Safety Checklists in the process

WESTERN AUSTRALIA

- 8.42 Outdoor advertising in Western Australia is the responsibility of local governments under the *Local Government Act 1995* and the *Planning and Development Act 2005*, to control and manage using local laws, and local and regional planning schemes. However, where such advertising is directed at, or visible from, the State road network, Main Roads becomes involved.
- 8.43 In these instances Main Roads needs to be satisfied that such roadside advertising does not pose a potential safety hazard to road users and has an obligation to ensure visual amenity available to State road-users in the form of natural scenic vistas, prominent city skylines, distinctive bridge architecture, etc., is not unduly compromised by roadside advertising.²¹¹
- 8.44 Since 1996, Main Roads has had in place the Guide to the Management of Roadside Advertising which, in combination with the Main Roads (Control of Advertisements) Regulations 1996, provided for the management and control of roadside advertising displayed from both within and beyond the boundaries of State roads.

TASMANIA

- 8.45 The *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015* made changes to the *Land Use Planning and Approvals Act 1993* (the Principal Act) to allow for a Tasmanian Planning Scheme (TPS) to be established.
- 8.46 The TPS has two key elements, the State Planning Provisions (SPPs) and local councils' Local Provision Schedules (LPSs). The LPSs will incorporate the Signs Code from the SPP which will provide for
- appropriate advertising and display of information for business and community activity.
 - well-designed signs that are compatible with the visual amenity of the surrounding area.
 - signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.²¹²
- 8.47 The SPP Signs Code defines a number of sign types; applicable zones they can be located in and standards they must meet.²¹³ It also outlines the development standards for building and

²¹¹ *Roadside Advertising*
<https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/TrafficManagement/RoadsideAdvertising/Pages/home.aspx> Accessed August 2017.

²¹² *Tasmanian Planning Scheme*
http://www.justice.tas.gov.au/_data/assets/pdf_file/0007/370294/State_Planning_Provisions.PDF, Accessed August 2017.

²¹³ *Tasmanian Planning Scheme*
http://www.justice.tas.gov.au/_data/assets/pdf_file/0007/370294/State_Planning_Provisions.PDF, Accessed August 2017.

works in terms of acceptable solutions and performance criteria as relates to the design and placement of signs; illuminated signs; third party signs and signs on and in local heritage places and precincts.²¹⁴

- 8.48 The LPSs when complete, will further articulate the processes to be applied, in line with the SPP, for applications.

NORTHERN TERRITORY

- 8.49 The *Planning Act (NT)* establishes the Northern Territory Planning Scheme which stipulates development approval processes for whole of the Territory (with a few exemptions). Section 6.7 of this Scheme relates to 'Signs'.
- 8.50 If a sign is not exempted, the Planning Scheme sets out what the permissible sign sizes are for illuminated and non-illuminated signs in specific Planning Zones and whether consent from the relevant authorities is required.²¹⁵
- 8.51 Local councils may also make by-laws, including relating to signage, under the provisions of Section 188 of the Local Government Act (NT). However Alice Springs, Darwin, Palmerston, Katherine and Tennant Creek municipal councils have complete control over the design and placement of signs in their municipalities.²¹⁶
- 8.52 If the sign is on land within a road controlled by the Department of Transport their approval for the sign is also required.²¹⁷
- 8.53 Billboards are not defined in NT legislation, rules or regulations but larger signs are restricted to particular planning zones that are largely commercial or industrial in nature. Smaller signs have fewer restrictions.

²¹⁴ *Tasmanian Planning Scheme* http://www.justice.tas.gov.au/data/assets/pdf_file/0007/370294/State_Planning_Provisions.PDF, Accessed August 2017.

²¹⁵ *Northern Territory Planning Scheme* https://nt.gov.au/data/assets/pdf_file/0010/381799/complete-ntps-amendment-483-removal-of-dual-occ.pdf Accessed August 2017.

²¹⁶ *Northern Territory Planning Scheme* https://nt.gov.au/data/assets/pdf_file/0010/381799/complete-ntps-amendment-483-removal-of-dual-occ.pdf Accessed August 2017.

²¹⁷ *Northern Territory Planning Scheme* https://nt.gov.au/data/assets/pdf_file/0010/381799/complete-ntps-amendment-483-removal-of-dual-occ.pdf Accessed August 2017.

ADVERTISING REGULATION INTERNATIONALLY

UNITED KINGDOM - CONTENT

- 8.54 Non-broadcasting advertising such as outdoor advertising is self-regulated by the industry, The Advertising Standards Authority (ASA) is the UK's independent advertising regulator. The ASA makes sure ads across UK media comply with the advertising rules (the Advertising Codes).²¹⁸
- 8.55 The Committee of Advertising Practice (CAP) works with the ASA and is responsible for writing the Advertising Codes as well as for providing a range of advice, guidance and training, including a free pre-publication Copy Advice service.²¹⁹
- 8.56 The ASA does not have to have a complaint lodged with them in order to take action to have an advertisement changed or withdrawn. They conduct spot checks regularly and take into account the context, audience and placement of the advertisement as well as the medium that has been used to display the advertisement.
- 8.57 Last year ASA resolved over 29,000 complaints relating to just under 16,000 ads. In addition, they proactively resolved 5,425 cases.²²⁰

UNITED KINGDOM – OOH ADVERTISING STRUCTURES

- 8.58 The display of advertisements in the UK is subject to a consent process within the planning system which is set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.²²¹
- 8.59 Local planning authorities such as district councils, county councils and borough councils are responsible for the day to day operation of the advertisement control system and for decisions regarding the approval of advertisements in their jurisdiction.
- 8.60 Where required, advertising that will impact on road, rail, air and other transport corridors requires additional permission from the relevant authority.
- 8.61 There are three categories of advertisements, those that do not need consent; those qualify for deemed consent and those that require express consent.

²¹⁸ Advertising Standards Authority <https://www.asa.org.uk/about-asa-and-cap/about-regulation/about-the-asa-and-cap.html>, Accessed August 2017.

²¹⁹ Advertising Standards Authority <https://www.asa.org.uk/about-asa-and-cap/about-regulation/about-the-asa-and-cap.html>, Accessed August 2017.

²²⁰ Advertising Standards Authority <https://www.asa.org.uk/about-asa-and-cap/about-regulation/about-the-asa-and-cap.html>, Accessed August 2017.

²²¹ Guidance – Advertisements <https://www.gov.uk/guidance/advertisements> Accessed August 2017.

UNITED STATES - CONTENT

- 8.62 The Advertising Self-Regulatory Council (ASRC) establishes the policies and procedures for advertising industry self-regulation in the United States. This self-regulatory system is administered by the Council of Better Business Bureaus.²²²

CANADA - CONTENT

- 8.63 The Advertising Standards Canada (ASC) is Canada's independent advertising self-regulatory body. It administers the *Canadian Code of Advertising Standards*, manages consumer complaints processes and provides advertising pre-clearance for advertising relating to children's, food and non-alcoholic beverages, alcoholic beverages, consumer drugs, and cosmetics, in order to ensure they meet specific legislative, regulatory and sector requirements.²²³

NEW ZEALAND - CONTENT

- 8.64 The Advertising Standards Authority (ASA) self regulates advertising under codes of practice, including an Advertising Code of Ethics. It also manages a consumer complaint board and an appeals board. The boards for both of these are majority public members.²²⁴

SOUTH AFRICA – OOH ADVERTISING STRUCTURES

- 8.65 The Department of Environmental Affairs is responsible for compiling the South African Manual for Outdoor Advertising (SAMOAC). This is the national guideline document which initiates and coordinates control of outdoor advertising on a national, provincial and local level within South Africa.²²⁵

- 8.66 According to the manual:

The SAMOAC is aimed at establishing control systems and mechanisms to:

- contribute to the conservation of the aesthetic environment and tourism resources in natural, rural and urban environments;
- contribute to the creation of more acceptable human living environments;
- promote traffic safety;

²²² Advertising Self-Regulatory Council, <http://www.ascreviews.org/> Accessed August 2017.

²²³ Ad Standards <http://www.adstandards.com/en/AboutASC/whatWeDo.aspx>, Accessed August 2017.

²²⁴ Advertising Standards Authority <http://www.asa.co.nz/about-us/>, Accessed August 2017.

²²⁵ Revised South African Manual for Outdoor Advertising Control <https://www.environment.gov.za/documents/strategicdocuments/samoac>. Accessed August 2017.

- promote sustained economic growth and sustainable development; and
- foster a balanced approach between economic development, on the one hand, and traffic safety and the conservation of the perceptual environment, on the other hand.²²⁶

8.67 The long term and sustainable planning and management focus of the SAMOAC involves the application of Outdoor Advertising Potential Assessments (OAPA's), an environmental management tool specifically developed for this purpose, and the development of Outdoor Advertising Master Plans (OAMP's).²²⁷

8.68 The SAMOAC classifies Billboards into four types:

- Gantry – 18m² - 81m² (double sided on gantry structure)
- Large – 41m² – 81m²
- Medium – 19m² - 40m²
- Small – 9m² - 18m²

8.69 Each billboard, and other classes of signage, irrespective of its size are subject to a number of conditions or administrative requirements that fall under the following categories:

- Description;
- Appropriate Opportunity;
- Performance Standards;
- Related Sign Types;
- Safety;
- Design and Construction; and
- Maintenance.

²²⁶ *Revised South African Manual for Outdoor Advertising Control*
<https://www.environment.gov.za/documents/strategicdocuments/samoac>. Accessed August 2017.

²²⁷ *Revised South African Manual for Outdoor Advertising Control*
<https://www.environment.gov.za/documents/strategicdocuments/samoac>. Accessed August 2017.