



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL

(Reference: [Inquiry into billboards](#))

Members:

MS C LE COUTEUR (Chair)

MS S ORR (Deputy Chair)

MS T CHEYNE

MS N LAWDER

MR J MILLIGAN

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 9 AUGUST 2017

Secretary to the committee:

Ms A Jongsma (Ph: 620 51253)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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Amended 20 May 2013

The committee met at 3.32pm.

GENTLEMAN, MR MICK, Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal

PONTON, MR BEN, Director-General, Environment, Planning and Sustainable Development Directorate

PHILLIPS, MR BRETT, Acting Deputy Director-General, Sustainability and the Built Environment, Environment, Planning and Sustainable Development Directorate

FLANERY, MS FLEUR, Executive Director, Planning Policy, Environment, Planning and Sustainable Development Directorate

THE CHAIR: Good afternoon, everybody, and welcome to this public hearing of the Standing Committee on Planning and Urban Renewal inquiry into billboards. On behalf of the committee, I would like to thank you, Minister Gentleman, and your officials, for attending today. Can I draw your attention to the privilege statement that is before you, which is on the pink card. I am sure you have all seen it many times before. Can you please confirm for the record that you understand the privilege implications of the statement?

Mr Gentleman: Yes, we do, thank you, chair.

Mr Ponton: Yes.

THE CHAIR: I also remind witnesses that the proceedings are being recorded by Hansard for transcription purposes and webstreamed and broadcast live. Minister, before we go to questions, do you have an opening statement?

Mr Gentleman: Yes, thank you, chair. I do have a short statement for the committee. The government is pleased to provide a submission and support this inquiry into the use of billboards in the ACT. We welcome the debate about the issue, noting, of course, that if there were to be any change to policies in the ACT this would come after consultation by this committee and then further public consultation by the government with the community.

We welcome this inquiry for several key reasons. Firstly, signage policies in the ACT, as you have seen in our submission, have not been updated for some time. They include advertising forms which are no longer in common use or do not recognise modern forms of signage, including electronic and digital screens. Secondly, there is an opportunity to undertake reforms to the current regulations to improve the look of the city and benefit the ACT community more broadly.

It will also provide the option of bringing into line regulations and rules surrounding billboards with other advertising forms currently permitted in the ACT. While it should be noted that billboards are distinct from other forms of advertising, a harmonised regulatory system would have many benefits for the community, to keep us up to date on all laws surrounding advertising in the ACT.

Lastly, the responsibility for signage policy in the ACT is currently divided between the ACT government and the National Capital Authority. This review, therefore, will allow for an intergovernmental update on existing laws and a harmonising of them between the two. The National Capital Authority has lodged a separate submission with this committee, with their goals and ideas, and I encourage the committee to consider their recommendations.

The outcomes of this inquiry will allow the ACT government to develop a better, more modern policy regarding billboards and outdoor signage in Canberra. It will also let both the broader public and local stakeholders provide views on what they would like to see in the new regulatory system, reiterating the ACT government's commitment to community consultation and giving all Canberra a voice in government. I look forward to the outcomes of the inquiry and the recommendations it produces. It is a unique opportunity to discuss the billboards and signs that we want to see in our city. I and officials stand ready to answer any questions.

THE CHAIR: Thank you, minister. Reading your submission, you talk about billboards acting as a form of visual pollution, affecting surrounding property values, acting as a distraction to passing traffic, impacting on views from homes, affecting public amenity and impacting solar access. Given all of this, why does this submission, in effect, support billboards, and, probably, from the impression I got, an extension of billboards?

Mr Gentleman: It is an appropriate time for a review. As I said, it has been 20 years since the original policies were developed. There has been quite a lot of change since then. We want to see the community input into the committee's inquiry, to determine what we should do in a policy sense moving forward.

THE CHAIR: On page 15 the submission notes you have been lobbied by the Outdoor Media Association, presumably to make it easier to have billboards in the ACT. Was this lobbying before or after Chief Minister Barr said that he thought there should be an inquiry into billboards?

Mr Gentleman: I will see whether I can get the timing on that for you, chair.

THE CHAIR: I remember Chief Minister Barr's comments very well regarding the billboard with the two young Muslim women on Australia Day. That was the context of his comments. At the time, of course, I assumed that his comments came as a result of that.

Mr Phillips: My understanding is that there have been ongoing approaches and there has been some work around whether there needs to be a policy review on billboards for quite a bit of time.

THE CHAIR: So the approaches would have come before Chief Minister Barr's comments. I note that the ACT government has only responded to this by way of ACTPLA. Do I take it from this that the ACT government does not see any impact on road safety, despite the fact that it is one of the things that you mentioned—that it is a distraction to passing traffic? Certainly, other people have extensively commented on the potential for increased traffic accidents as a result of electronic billboards in

particular.

Mr Gentleman: Yes, we have noted some of those comments in submissions. EPSDD is the lead agency when it comes to this inquiry and the submission. That is coordinated across government. We have talked to TCCS and WorkSafe to ensure that we have a safe road system with regard to signage as well. There are national codes on road safety and signage. In particular, the formation of signs within our policy program does take into account road safety as one of the key riders for allowing signage on our roadsides.

Mr Ponton: As the minister said, and I want to reiterate this point, as the lead agency we put the call out to all agencies across government, advising that we would be coordinating the submission on behalf of the government and preparing something. So whilst it was prepared by the directorate, it was certainly in response to that call to all agencies. Of course, not all agencies responded. For those that did, we certainly incorporated those comments into the submission.

THE CHAIR: Would it be a fair conclusion that you do not see a change in billboards as being something that would impact on road safety, given that it clearly has not been canvassed in this response?

Mr Ponton: It certainly has not been canvassed by the relevant entity. Having said that, should this committee make recommendations in relation to changes to the signs code that allowed for certain types of billboards, certainly, as part of us responding to that process, we would engage with those entities, keeping in mind that at this stage it is quite a broad call for information as opposed to perhaps having something more substantial for an agency to comment on. I see this as an iterative process, and it would really depend on the outcomes of the deliberations of this committee and further consultations that the minister alluded to, should the government seek to make changes to the code in response to the committee's recommendations.

Mr Gentleman: In the sign construction code—that is the signs general code of March 2008—there is a specific allocation in that policy for traffic safety, and it indicates the types of signage that would be allowed in regard to traffic safety.

MS ORR: Ms Le Couteur mentioned that the government's submission seemed to support billboards. I actually did not take that away from the submission. Can you clarify what the government's position is on this?

MS LE COUTEUR: I must admit that I thought some pages supported it and some did not, but overall—

Mr Gentleman: I think you summarised the position quite clearly. The government's position is neutral at this time. In reference to my earlier statement, that it has been 20 years since we have had a look at this, it is important that we take all the information from stakeholders that have presented to your committee and others that have come to the government as well, in order to ensure that we have an up-to-date policy for the future.

MS ORR: This is an issue of semantics: we are talking about billboards but there is a

lot of discussion about signage, and I could not find a clear definition of a “billboard”; it seems to sit within this broader remit of “signage”. Can you run me through what you view a billboard as being? Are they interchangeable? Do we take one from the other?

Mr Phillips: From a layman’s point of view, my perspective of a billboard would be the sign on the side of the road—the big golden arches or an “advertise here” sign. But there are a variety of things. The signage code deals with signs in the street. It deals with signs from buildings per se that people might not perceive to be billboards; nevertheless, they are signs.

The Planning and Development Act, in its exemptions, refers to advertising signs. That could be billboards; that could be general signage. It refers to mobility signs; it refers to temporary signs. You are quite right; there is no specific definition of “billboards” in ACT legislation. As to what you would understand billboards to be, that might be different for different people.

Mr Gentleman: I can identify the reference in the Territory Plan:

Sign means any device or representation openly visible to the general public for the purposes of direction or control or information, or displaying an *advertisement* ...

Advertisement means 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.

So it is quite broad.

MS ORR: My understanding from the submission is that billboards are not allowed in the ACT, so when you get a submission for signage, how do you determine that it is a billboard and not allowed?

Mr Phillips: There are two things. There is a general signs code. There are a series of exemptions under the Planning and Development Regulation that relate to size, shape, whether signage is temporary, whether signage is permanently affixed, whether it is mobile. So the assessment is based upon a development application. If a development application comes in for approval of a sign, it is matched up against the general code for signs. In relation to somebody putting a sign on their premises without a development application, they would weigh up the exemptions in the Planning and Development Regulation to see whether those exemptions met what they wanted to put on it. So it is an assessment against an application.

MS ORR: Potentially, you could put forward a development application for something that would be considered a billboard—a big sign on a roadway?

Mr Phillips: Yes.

MS ORR: Whether it is approved or not, it would still be considered and could

potentially be approved, or would it not be approved under the current regulations? If we have a signage code that says, “Yes, you can do this and this,” you could bring forward an application and show that the merits of it are fine. I know this is hypothetical.

Mr Ponton: Mr Phillips was talking about it in layman’s terms, and in terms of what the person on the street might consider to be a billboard. It tends to be a large sign on the roadside advertising events, businesses or goods and services as opposed to signs on a building relating to what is occurring inside that building. So there is a slight distinction there.

Certainly, other jurisdictions make that very clear by ensuring that any sign relates to the property upon which it is located or adjacent to. New South Wales do that, as I recall. They certainly did when I worked there. Things may well have changed. Where we are getting to with this conversation is reinforcing that it is 20 years since the code was reviewed and the committee may wish to turn its mind to some recommendations on definitions and the like, in terms of updating the code to ensure that it is more contemporary, because it is 20 years since it has been reviewed.

MS ORR: Can I clarify one other thing: under the NCA plan, billboards are not allowed. I know that you are not the NCA, but they do define it; therefore, in those areas where the two plans have to be consistent, that would—

Mr Ponton: Yes.

Mr Gentleman: Yes, and, of course, we cannot be inconsistent with the NCA.

MS LAWDER: I will start with a follow-on question. In your submission you have said that billboards are not currently a permitted form of signage. But if you do not have a definition, how do you know they are not permitted?

Mr Ponton: I might ask Mr Phillips to expand on this, but the National Capital Plan sits above everything. The National Capital Plan identifies where billboards cannot occur. Then, in terms of our code, whilst we do not define it, it really comes back to location and size. It has been a while since I have looked at the National Capital Plan. I will ask Mr Phillips to expand a little on that. But my understanding is that it really is the fact that the rules and criteria within our code are not inconsistent with the National Capital Authority’s National Capital Plan.

Mr Phillips: Typically, a six by four-metre high billboard would be outside the signs code for the ACT. So it is outside the National Capital Plan. It also would be outside our general signs code.

MS LAWDER: I think there is a bit of a view amongst some of the submissions that we already have a few examples of billboards in the ACT.

Mr Ponton: But the question is whether or not they are approved.

MS LAWDER: Yes. Minister, I go back to your opening statement. I think you said—maybe you would like to look it up—something about a bit of an opportunity to

improve the look of the city. Do you mean by that that allowing billboards would improve the look of the city? Is that what you said?

Mr Gentleman: More generally, we are looking for the committee, and stakeholders that have put submissions to the committee, to give their views on how they would see the look and feel of the city in a modern way.

MS LAWDER: Could you re-read that bit from your opening statement? I wrote it down at the time. I thought you said “improve the look of the city”.

Mr Gentleman: “Secondly, there is an opportunity to undertake reforms to the current regulations to improve the look of the city and benefit the ACT community more broadly.”

MS LAWDER: That sort of implies to me that you feel that by reviewing them, perhaps changing them and allowing billboards, it would improve the look of the city.

MS CHEYNE: Potentially we could be banning them, which could also improve the look of the city.

Mr Gentleman: Indeed. So it is much broader than simply billboards; it is about advertising more generally too. Of course, in those last 20 years there has been a lot more of a move towards electronic signage. If stakeholders have made submissions to the committee or the committee deliberates from these submissions that they would like to see more modern advertising in the city compared to what we have had previously, then that is something that we need to consider.

MS LAWDER: There are a few examples of those electronic or digital boards around the place. Would you currently consider them as billboards?

Mr Ponton: It would be useful if you gave us examples of the particular signs that you are referring to. That would allow us—

MS LAWDER: There is one on the corner of the convention centre.

THE CHAIR: There is one on the Canberra Centre, where I am pointing.

Mr Ponton: My next point to that would be that we would need to go away and have a look to see whether or not they are approved—whether the relevant entities, be it the National Capital Authority or the planning authority, have, in fact, approved those.

MS LAWDER: I had better be careful about giving more examples in case you go away and tell them they cannot have them.

Mr Ponton: We are certainly happy to look at those examples, to look at the approval status of those and also to see whether or not, for example, the signs—I am speculating here on the Canberra Centre—might have been considered as ancillary to the bigger development. But I am not saying that that is the case. If we have some examples, we can certainly have a look at them in more detail and provide the committee with the reasoning behind the approval or, if they have not been approved,

consider what might be done in relation to them.

MR MILLIGAN: You mentioned the possibility of signs improving the look of the city and you mentioned digital signs. Have you got any examples of locations where you think a sign could improve, say, the local area or the landscape? Is it also in relation to the environment? Is it that the environment where that sign could potentially be placed needs improving or is it that the area is not well maintained and you are putting up a sign to hide that?

Mr Gentleman: No, but you make a very important point with regard to where signage is put up and our environment. It is particularly about our visual environment and what we perceive to be amenable or not in a community sense. No, I do not have any specific examples to give you because we are looking for input from the community, really, in this situation. 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. I will not give our jurisdiction as an example, but in other jurisdictions construction occurs and you have hoardings around a building, which gives you a much better amenity than if you had no hoarding and you could look straight through to a building site. Those are the sorts of ideas we are trying to float here and get the community's view on.

MR MILLIGAN: If that is the reason, it would have been great for that to be shown in this report, to make it a bit clearer both to us but to anyone else who may be reading this report as well. I am just saying that you could have elaborated on that a little more.

MS ORR: I wanted to follow on from the point Ms Lawder was making on the few examples of billboards—the convention centre et cetera—and the discussion that they would be ancillary. Correct me if I am wrong, but they would not be treated as billboards. They would be treated as signage so far as the application went.

Mr Ponton: Yes.

MS ORR: Is there potential, then, for things, with wider general perception, to be considered as billboards because we do not have a clear definition? Is there potential for them to come in and be considered? Is this where we get this sort of bracket creep, for lack of a better word?

THE CHAIR: Sign creep.

Mr Gentleman: It could be. As I said, it has been 20 years since we have looked at this. It is a very good time, I think, to have a look at it and get the community's view and, of course, the committee's deliberations after they look into all of those stakeholder comments. I reflect on the convention centre for a moment. I think that would have needed NCA approval in its final stage.

Mr Ponton: Certainly.

Mr Gentleman: I am thinking, therefore, that it probably would not be a sign that is approved by the NCA.

Mr Ponton: Indeed, yes.

MS CHEYNE: I have a clarifying question which I think you covered but I was distracted, I am happy to confess. What does “approved” mean? We keep talking about signs that are approved. Who is doing the approving? Are we talking about TCCS? What does that involve?

Mr Ponton: I am glad you asked the question, Ms Cheyne, because, first of all, a sign could be exempt from requiring any approval under the regulations. The sign could be approved as a DA—development application—by the Planning and Land Authority or if is located in a designated area then it could be approved by the National Capital Authority. Also, there are some signs that require Transport Canberra and City Services approval because of where they are located—if they are in the road reserve, for example. That is correct, is it not?

Mr Phillips: That is correct.

Mr Ponton: There are a number of entities that have a role to play in this space.

MS CHEYNE: I will refrain from comment. I stay on the theme of the look and feel of the city for a moment. I have two slightly related questions. I turn to some of the research on what other cities do and how cities are balancing commercial and community interests. We have seen that Miami, Dallas, New York City and Warsaw have actually taken an approach to using murals, painted murals, for advertising. This has limited the prevalence of branding but also introduced some local art into the advertising space. If we are talking about positively improving the look and feel of the city, is this something that could be considered or taken into account outside the current definition of what is a sign or a billboard?

Mr Gentleman: It certainly could be. You have given some examples there. But we have some examples in our own jurisdictions in Australia as well. I have seen very large mural advertising in Melbourne produced for the city by local artists. It is very inspiring and thought-provoking. It does not take your mind off the street, so you can still proceed in a safe manner, but it gives you a way of thinking about a particular social issue in Melbourne, which is very important to the Melbourne community. That could be something we could do in the ACT as well.

If you have a look at a most recent social art experiment in Tuggeranong—I think Ms Lawder was there with me when we did the Erindale bus stop mural—it was really interesting to see this mural portray a bit of history about the local area and some Indigenous history as well whilst taking away the really uninspiring wall that was there. It was just a brick wall. So there are some opportunities, I think, for that too.

MS CHEYNE: Could it be possible, along those lines, potentially to be limiting the introduction of billboards only for the use of something like community messaging or government messaging rather than allowing commercial interests? I think there is an example in Hobart. There is a big sign about how to compost—essentially a public service announcement. Is that one way that billboards could be regulated?

Mr Gentleman: Certainly, but that has in that case possibly an economic benefit as well in that government would be perhaps paying for advertising to get a social outcome, if we are looking at compost or that sort of thing, for example. If in that case we were to hand over to a local artist to do some work, it might cost less. Therefore, there is an economic saving for the territory and you have that outcome of having somebody local producing the advertising for you.

MS CHEYNE: We have been talking about the usefulness in communicating information. I am conscious that in a lot of high density, high traffic areas they come under the jurisdiction of the NCA. I guess this is where my question is going. Given that the NCA's submission says they would not consider changing their rules around billboards in designated areas, is it really worth while to consider community messaging or allowing billboards in the areas that would not have the same amount of population or traffic, for example?

Mr Gentleman: Yes. It would be interesting to have a look at what the NCA currently allow. If you look at the War Memorial, for example, of an evening there are broadcast billboards up on the wall of the War Memorial, which is in a traffic area as well. But I do not think it deters from your ability to traverse the road safely. It is more for those people that actually go there and want to hear the story about what is occurring there. I think there is an opportunity there. But we cannot be insistent about what the National Capital Plan says. If there are any changes that the committee thinks should be perhaps relayed to the NCA for their discussion then we would look forward to that as well.

THE CHAIR: I have a follow-up question on that. Given that, as Ms Cheyne pointed out, the NCA very clearly have said that they are not planning on allowing billboards and are not willing to see any designated area for the purposes of establishing a zone for billboard advertising, and given that they are looking after the main approaches to Canberra—that is, most of our high traffic areas—where do you think additional billboards could go? Would it be along Athllon Drive in Mawson? Is that the sort of place you are thinking about?

Mr Gentleman: We have not—

THE CHAIR: Hindmarsh Drive? Given the NCA's restrictions—

MS CHEYNE: Which are quite extensive.

THE CHAIR: which are quite extensive and include the best advertising sites, probably, where could they go? Where are we talking about?

Mr Ponton: Designated areas certainly are within the city centre. The approaches that you talk about are subject to special requirements, as opposed to being designated. The roadways are often designated themselves, but in terms of the land adjacent there are special requirements. I would need to look again at the National Capital Authority's submission to see whether or not they only referred to designated areas or whether they also referred to—

THE CHAIR: The NCA said it would also not be willing to vary its current approach

to development on land adjacent to main avenues and approach routes. So it seems like—

Mr Ponton: There are also town centres. But, again, as the minister said, the planning authority's recommendation to the government and the government's position is that its view on this is neutral, pending the consideration of this committee and any recommendations that it may wish to make. Then the government will certainly consider that, and I am sure we will seek advice from the planning authority in relation to what changes may or may not be required to respond to the committee's deliberations. But we are certainly not, from a planning authority's perspective, advocating for billboards. Equally, we are not saying that we are not supporting that. We are remaining neutral until we receive the feedback from this committee.

MR MILLIGAN: My question is in relation to page 15 of your submission. It is mentioned there that there is a possibility of increasing the potential to generate more economic activity in the territory through more billboards. Has there been any modelling done to suggest that? Has there been anything done here in the territory to suggest what potential economic activity can be generated?

Mr Gentleman: Overarchingly, we have not done any specific modelling. We only have the information in regard to outdoor advertising for the industry nationally, which has revenues of \$670 million per annum for outdoor advertising. We have not looked specifically at this stage at what we might have as income.

As I mentioned, there are a lot of opportunities for government to use advertising. We do so on buses at the moment, for the healthy weight initiative, for example, which gives us an opportunity to advertise in a different way to provide a social outcome. Because they are on our assets, that may save us some money. Mr Ponton might have something to add.

Mr Ponton: The only comment I would make in addition to what the minister said is that the submission is intended to identify issues for this committee to consider further. In terms of what we understand, clearly, advertising space is able to be sold; therefore income could be generated from that. Whether that is within government-owned sites where the billboards might be located or whether it is the private sector that benefits from that, all we are saying is that that may be a consideration for this committee. We are not saying whether or not it is a good or bad thing; we are simply saying that, in terms of considering all the pros and cons, we wanted to put as much information to you as possible. That may generate further questions for you to ask other witnesses who may appear before this committee.

MR MILLIGAN: In relation to generating more potential economic income, and the government advertising its programs, initiatives or services on your property—buses, land or whatever—is that in terms of generating more economic activity for the government? What about the private sector? How can private businesses generate more economic activity from that through advertising their products and services? When there is limited land or places available for them to do that, it would seem that the government has more opportunity than private business.

Mr Ponton: Not necessarily. That is something for the committee to consider. Where

do we allow the billboards to occur? Are they on the roadside? In New South Wales, for example, and in Queensland, for that matter—I can clarify that—it tends to occur on privately owned land. Therefore the landowner benefits in terms of renting out the space to the sign provider; and the person who is advertising would achieve a benefit as well.

MS CHEYNE: The submission also says that other jurisdictions potentially get an economic benefit or revenue from outdoor advertising, particularly if it is on their land. If revenue were derived from allowing billboards on public land, could we potentially restrict what that revenue went on to fund, for example?

Mr Gentleman: That is a good point.

MS CHEYNE: I am asking because we have many people expressing their views, and I wonder about palatability. Billboards might be—maybe not—more palatable if people could see that the revenue generated for government out of leasing the land for that billboard or allowing the billboard on that land went to a homeless shelter.

Mr Gentleman: Yes, exactly. That is a very good point, and I would be interested to hear what the committee has to say, after reading all of the submissions in regard to that. Perhaps we could point to an example with Adshel. The government went into an agreement with Adshel a number of years ago to supply and maintain bus shelters in the ACT. These particular bus shelters are of very good quality and are maintained, but they do have advertising on one panel. My understanding, from memory—I will not go into specific detail because I do not have all of it in front of me—was that these bus shelters were supplied and maintained by the company, at no cost to government. That meant a great social outcome for the territory and a financial outcome as well which was palatable. I think the community looks at that as a good example.

THE CHAIR: I might go back to the enforcement question and illegal billboards which Ms Orr was asking about.

Mr Gentleman: Mr Phillips is ready for that.

THE CHAIR: Good; we have some piccies. They are fairly innocuous pictures. I could find some much more exciting ones. They are both actually small, suburban numbers.

MS CHEYNE: Will you show your colleagues?

THE CHAIR: Yes.

MS CHEYNE: The circus.

MS ORR: But these are not billboards, apparently.

THE CHAIR: We do not have billboards. They are signs.

MS CHEYNE: Is a big clown a billboard?

Mr Ponton: It is probably an inflatable sign, which is covered under the code.

THE CHAIR: I would have asked: are you aware of any illegal billboards? Ms Orr went there. I only brought a couple of piccies with me, so I thought I would go to the pictures. Would these qualify? They are not billboards because we do not know what the definition of a billboard is. But would they qualify as illegal signs?

Mr Phillips: Can I turn to the circus clown first?

THE CHAIR: Yes.

Mr Phillips: Noting that it is not on public unleased land, it is on private property, there are exemptions in the Planning and Development Act for temporary signs: temporary, movable and mobile signs. So the issue would be, without knowing all the details, whether that sign fitted one of the exemption provisions of the Planning and Development Act; and, if it is there for a day or two, or a week or two, what the compliance activity might be in response to that.

THE CHAIR: My understanding is that it was weeks rather than days.

MS CHEYNE: Is that the Planning and Development Act or is that the movable signs regulation?

Mr Phillips: The Planning and Development Regulation has a series of exemptions in it, as you scroll down. One of the parts relates to sign exemptions.

THE CHAIR: The other one has been there for years. It has changed. The advertiser has changed. I think it was a butcher at some stage. It has not always been the same advertiser, but that location has had advertising for years. It is at Ainslie oval.

Mr Phillips: There are some other signs there as well.

THE CHAIR: Yes. These are just a couple of photos.

MS LAWDER: Ainslie footie club are getting a bit of income from it.

THE CHAIR: I assume they would be, or that one of the clubs is getting something out of it.

MS LAWDER: So it is a sponsor of the footie club or something.

THE CHAIR: Yes, I do not know precisely. The follow-up on these two is: how many questions does Access Canberra get about problematic signage, whether it is illegal or not?

Mr Phillips: Access Canberra gets very few complaints every year about signs, less than a handful. The average is two.

THE CHAIR: Two a year?

MS ORR: What about the last election?

MS CHEYNE: Are you serious? What about this year?

THE CHAIR: That is unbelievable.

MS CHEYNE: Now that it is in people's minds, what about this year?

Mr Phillips: That is the information that has been provided to us.

Mr Ponton: From Access Canberra.

MS CHEYNE: That blows my mind. Over what period?

THE CHAIR: That is kind of unbelievable. I suspect that probably all of us—

Mr Gentleman: Twelve months, I think, is the period.

Mr Phillips: It is an average period over a few years; that is my understanding.

THE CHAIR: That is really unbelievable. I would hazard a guess that if you averaged the MLAs, we would get at least two per year—

Mr Gentleman: I think, chair, you should report those to Access Canberra when you get them, so we do know the further detail.

Mr Phillips: I would qualify that, Ms Le Couteur. That does not necessarily reflect the complaints that TCCS might get in relation to signs on unleased public land.

Mr Gentleman: In fact I can remember a previous MLA who had a strong concern about normal road traffic signs in his jurisdiction. He wrote to me regularly and asked for them to be removed. They warned of safety, particularly on roads. We have a national code which says that these signs must be upheld. So there was sometimes quite a discussion between him and me on whether or not these signs should be in place.

THE CHAIR: I have largely had complaints about the Canberra Centre and the convention centre. There did not seem to be an awful lot of point in sending anything further.

Mr Phillips: In relation to the Canberra Centre, Ms Le Couteur, there is some notion that the signage had been approved as part of the DA system way back in 2005, 2006 or whenever the development applications were initially done.

MS CHEYNE: Talking about complaints, I note that there is a risk-based approach based on the complaints-based approach, and there is an average of only two a year. You said that Access Canberra receives complaints, as does TCCS. Are they the only directorates or bodies that receive complaints? Who else handles complaints?

Mr Phillips: Complaints in relation to unleased public land?

MS CHEYNE: Yes.

Mr Phillips: They go through TCCS. Complaints in relation to unlawful signage under the planning and development legislation would be through Access Canberra.

Mr Ponton: Could I clarify that the reference to two would be complaints relating to the Planning and Development Act as opposed to unleased land. We do not have the figure for the other.

MS CHEYNE: I know that TCCS is not here, but could we put that on notice for them; is that all right?

Mr Ponton: I am sure we could get that information; of course.

Mr Gentleman: We will come back to you on that.

MS CHEYNE: That might change things dramatically.

THE CHAIR: You could exclude the election-related ones, probably, for the purposes of this, as we do have another inquiry into elections, which corflutes are starring in.

MS LAWDER: For example, following on from Ms Cheyne's question, it is not election related but I think there was an instance in Ginninderry, the roundabout at Drake-Brockman, about a sign which I think had permission.

MS CHEYNE: Two signs, actually. There is one on the corner of Drake-Brockman and William Hovell going into Kingsford Smith and then there is one closer to Spofforth Street.

MS LAWDER: Whilst I think they said they had approval or did not get any objections when they were notified of it, who might those complaints have gone to?

Mr Phillips: If those complaints were made, they will be under the Planning and Development Act. Depending on the size of the sign, those exemptions provisions I mentioned under the Planning and Development Regulation relate to signs for future urban areas. So it is a specific exemption.

MS CHEYNE: That is good clarification. We might be talking about correspondence that many of us received, which went on to say that it had received all necessary approvals. I think the one you are talking about is still there—the bigger sign is still there—but one of them has been removed, based on houses having to look at it all day versus cars driving past it.

We talked also about making complaints about billboards. I know that Access Canberra has a regulatory function as well as serving as the front for receiving complaints. When I went onto the fix my street portal—not to make a complaint but just to look at it—there is an option for making a complaint about election signage but there is no option for signage or billboards generally.

MS LAWDER: It makes it hard to complain.

MS CHEYNE: It makes it a little bit hard to complain. Of course, there is an “Other” option, but if you are not prompted, you might feel that you cannot. I wonder whether that may potentially skew the number of people who maybe would have complained and ended up not doing so because they did not feel that they could. Are there any other ways that we could consider; or would the government or the directorate be open to considering making it easier to complain about signage?

MS LAWDER: Either election or other signage.

MS CHEYNE: Yes, that is right. Signage generally.

Mr Gentleman: We would be happy to take any recommendation from the committee, after you have finished your deliberations, on how we should change government policy or access in regard to complaints.

MS CHEYNE: These questions might need to be taken on notice for TCCS: in addition to how many complaints about signage have been received over the past few years, what kind of compliance activity can be taken in response to a complaint? Is every complaint about signage investigated, or, if it is perceived as a low-risk issue, is it perhaps not investigated because it is a risk-based approach? Finally, with respect to complaints that are investigated, how many signs have turned out to be compliant or approved based on one of the four different approval areas? This may be really pushing the bar here, but I am interested in whether some signage was slightly beyond what was allowed versus things that are really blatantly pushing the limits.

Mr Gentleman: There is quite a bit of detail there.

MS CHEYNE: There is.

Mr Gentleman: We are happy to take that on notice and get that detail for you.

MS CHEYNE: Thank you.

MS ORR: Mr Phillips, I want to follow on from something you mentioned earlier. You mentioned that the government has done work around policy review on billboards in the past. Are you able to give an overview of what that work might have been?

Mr Phillips: No. If I said that, I did not mean to convey that.

MS ORR: Okay, I have misunderstood.

Mr Phillips: There has been no policy work done, as far as I am aware, since that current signs code.

Mr Ponton: Could I draw your attention to the fact that they are hand-drawn images, which is a demonstration of how old the code is in terms of when it was last updated.

MS ORR: Given that we have had a lot of technological change, including computers, is there a reason why we have not looked at the signage code or is it just one of those things we have not got to?

Mr Ponton: It is just in terms of priorities. There have been greater priorities in terms of review of the planning legislation and the Territory Plan. That is essentially the reason why.

Mr Gentleman: We do not have the mass billboard advertising that we see in other cities, so I think that whilst the community has been responsive to what is occurring now, which is really good, there has not been the urgency for this. So it really is a good point in time for us to be able to take the recommendations from this inquiry and look at what we should do for the future.

MS CHEYNE: I have a supplementary question. It is short. I say this all the time, but I think it is. I saw a TED talk recently that talked about—

Mr Gentleman: Was it advertised?

MS CHEYNE: Funny! It suggested that the future of advertising might include drone technology, with ever-changing targeted and even interactive ads on our city streets. While we are talking about historical change and things over the last 20 years, we should also be looking towards the future at this juncture, when we are having a look at the rules relating to our billboards. I note that we have flagged the possibility of the government review but also we have a general definition of what we think a billboard is. Should we really be starting to look at billboards in technology-neutral terms?

Mr Gentleman: I think you should, yes. The air safety authority, CASA, has regulations with regard to drones. Firstly, you have to be a licensed operator. You can only operate in a certain area. Obviously, you cannot operate near airports or anywhere like that. They have policies and regulations about what the drone can carry as well. Currently, at this stage, I do not think they can carry advertising and I do not think they can carry pizzas, either. There was an incident recently—

MS CHEYNE: I have been thinking about this.

Mr Gentleman: Yes. There was an incident where somebody used a drone to bring a pizza back to their spa and was later fined. This comes from recent conversation with CASA. I do not think they are quite there in terms of advertising yet, but it would be worth while having a look at their regulations as well, as you deliberate on this, to see what future advertising could occur in that sense.

MS LAWDER: I refer to the bottom of page 7 and the top of page 8 of your submission, where you deal with the content of signage. The first part is about fair trading and the second part, on page 8, is about industry self-regulation. Have you done any work on self-regulation and how effective it is in other jurisdictions? Have there been many complaints? How are they resolved? Have you looked at that at all? I know in some other industries, from a consumer perspective, there are always complaints about self-regulating industry.

Mr Ponton: The short answer is that we have not done any policy work in this space, as Mr Phillips alluded to. We are awaiting the deliberations of this group. The short answer is no. As I said earlier, the idea behind the submission really was to raise issues for you, to prompt ideas or questions for others who may give evidence. It really was not to say that we have done all of this work; it really was just an ideas generator. That was the intention.

MS LAWDER: If at some time in the future it was to go ahead, you would examine that as part of your policy development?

Mr Ponton: That is a possibility, yes.

MR MILLIGAN: I have a supplementary question on that, relating to self-regulation and the federal Consumer and Competition Act. You also have regulations in relation to what content can be advertised on ACTION buses. Would you be looking at implementing some of that self-regulation in private advertising—what they can and cannot advertise? Will you be incorporating some of this—part of it or all of it—or is that already incorporated?

Mr Gentleman: I think that is up to committee, the recommendations from the committee, and what the community feels about that advertising. Certainly, we can regulate further. It appears at this time that most people accept the regulations around advertising on ACTION buses. However, if there is commentary that has a different view, we would be interested in taking that on board.

Mr Ponton: I make the point that, of course, advertising on ACTION buses is not something that is managed by the planning system. Certainly, the government can consider that through other means but it is not something that would be appropriately dealt with through the planning system.

Mr Gentleman: Just to add, there are 14 specific links that TCCS has in regard to the approval of advertising on ACTION buses. Each of them is quite detailed. We are happy to get those to you.

MR MILLIGAN: Yes, that would be fantastic, and the process for that approval.

MS CHEYNE: I want to talk about the potential for a precinct-based approach. I think it is clear throughout your submission that there is a need for regulatory reform. We currently have inconsistent outcomes across the territory. Would taking a precinct-based approach to regulation make these differences more transparent? Would it potentially achieve greater consistency within a precinct at least and make it clearer to the community what is allowed and where?

Mr Gentleman: That is certainly how it works in our planning system. We have precincts that are distinct, that have central areas for our shopping centres and move out into residential, so there may well be an opportunity to go forward in that manner.

MS CHEYNE: I note that we have a lot of precinct codes—over a dozen.

Mr Ponton: Precinct codes—there is one for every suburb. Having said that—

MS CHEYNE: Then I do not know what I am thinking of. It may have related to town centre things. From a directorate perspective, if we went with a precinct-based approach, what would be needed to update all the precinct codes? Is that genuinely feasible?

Mr Gentleman: Yes.

Mr Ponton: I think the short answer is yes, it is feasible. Whether it is an approach that we would take, you would consider, for example, residential areas. As I said, every suburb has its own precinct code. I suspect that you could have commonality across the residential areas. You might look at town centres differently. Then you might actually analyse the different town centres and see whether or not you needed to treat each of those differently.

I would be thinking that you would be looking at the city centre, keeping in mind that much of that is designated land. You would be looking at the town centres, you would be looking at your group centres and you would be looking at the commonalities across those groups and perhaps the precincts in that way. Certainly, as the minister said, it is something that is open to the committee to recommend. We could certainly work on that basis, and much of our planning is already moving towards precinct-based planning.

MS CHEYNE: I appreciate that you are not here doing modelling, but would it potentially be a significant amount of work? I am wondering about the value of the work versus the potential outcome.

Mr Ponton: I think that, because there would be so much commonality across certain areas, it would not be a huge amount of work. As I said, in suburban areas it would be pretty clear that the same rules and criteria could apply. You may just wish to review what those rules and criteria are. I think the city centre, being the city itself, could be different from the town centres. I am not saying that it would be, but it certainly could be. I do not think it is an enormous amount of work. If we are going to be reviewing the code, if that is an outcome—that the minister agrees to review the code overall—it would make sense to look at the format of the code as well as part of that.

Mr Gentleman: Of course, if the directorate needs more resources, I am happy to go to the Treasurer and ask for them.

MS LAWDER: Following on from the precinct-based approach question from Ms Cheyne, is there anything in the legislation for the CRA, the City Renewal Authority, that would allow or enable billboards or signage as it currently stands?

Mr Ponton: The City Renewal Authority is subject to the rules under the Territory Plan and the National Capital Authority. The policy responsibility rests with the planning authority. If you are asking whether there is a special arrangement or circumstances that apply to the City Renewal Authority, the answer is no. They are like any other proponent.

MR MILLIGAN: You raised digital advertising as a way of looking forward and bringing Canberra into the 21st century. Have you had any thoughts about how that would be implemented? Would that be implemented potentially by the government? Would government manage those signs? Would you give it out to the private sector and allow private industry to build these signs, manage them and sell advertising?

Mr Gentleman: I think it probably would be a mixture of both. There are social policy outcomes that the government wants to achieve and there is advertising for those. I have mentioned that on our buses, for example, we talk about our healthy weight initiative. That is a good way for government to advertise. Whether we move into an electronic sense—I think we do in the way of sending out messages from our government services. But in regard to billboards, I think it would probably be a mixture of what government wants to deliver in its space and then what the private sector wants to deliver in its space.

THE CHAIR: I continue on the digital theme. One of the reasons I thought your submission was supporting billboards was that there are a lot of very positive words about the potential of digital billboards. It is stated at the top of page 17 that the government is supportive of giving consideration to digital billboards as a means to provide more flexibility for event organisers. Then, on the page before, there is reference to the smart cities approach to enliven urban areas.

The impression I clearly got from this was that you would like to see more digital billboards and signage in the ACT. Whether or not that impression is correct, have you thought about, in particular, the privacy issues? For example, we are all walking around with smartphones in our pockets. Most of us are probably broadcasting on a continual basis our location to many different things. You certainly read about billboards interacting with the person going past—that I am an older woman or whatever—and advertising what I am likely to be interested in. If it is 7 o'clock, I have been at work and I have not been home yet, so it could be advertising for the pizza that will be delivered by the drone. That would probably be incredibly attractive.

Mr Ponton: Only if you have a licence.

THE CHAIR: Perhaps it will turn up at the next billboard and I could pick it up. But my question is: have you looked at the potential privacy issues relating to digital billboards and the management issues of digital billboards? You have a statement of ambition that we must embrace the digital mindset, deliver integrated smart city initiatives and look at demonstrating the benefits of a well-managed and data-driven city. As this is in the context of billboards, I am assuming that you are thinking about billboards in that vein?

Mr Gentleman: I think the submission is recognition of how far we have come in 20 years. As Mr Ponton was saying, our original code's descriptor has handwritten drawings on how you should advertise. The world has moved on from that. The submission is recognition of where we are now in our digital age, where we might be in the not-too-distant future and how we should perhaps embrace that because the community has moved there anyway. So it is time for us to move along with the community, recognise that they are looking at in terms of advertising and ensure that we have the right controls for that. Mr Ponton, did you want to add to that?

Mr Ponton: The only thing I would add, thank you, minister, relates to the specific question: have we undertaken any work? No, we have not. In developing the submission, as I said earlier, it was about ideas generation, acknowledging that, as the minister said, things have moved on in the last 20 years. We are saying that certainly we support the committee looking into this. We have not done a detailed amount of work, other than to identify the issues, simply because the government has not made a decision as to whether or not to review the code, because that is awaiting the outcome of your deliberations.

THE CHAIR: The other issue which you appear to have made up your mind on is the financial one. You note that if a billboard went on a piece of privately owned land the financial benefits would go to that landowner. I guess this is not so much a question as it is a suggestion. There is no reason why the government should not charge licence fees for things. The benefit from the advertising, to the extent that there is one, is because of the public going past and observing it. I am not advocating in any way that this should be done, but if changes are made I think the government should look at the concept of revenue to the public purse, not just revenue to the private landowner.

Mr Ponton: When I made that comment, Ms Le Couteur, I was not suggesting that the other options were not available. I was simply saying, in terms of economic benefit in response to Mr Milligan's question, that it is possible for the private sector also to benefit from those revenues, in addition to the government. What the mechanisms might look like is yet to be determined, again based on the recommendations of this committee and how the government then responds to them. It was really just about putting forward some ideas. I certainly have not made up my mind. I am sure that I cannot speak for the government, because it needs to deliberate in relation to any recommendations that you might make.

Mr Gentleman: I think it is well recognised, though, that the recipient of economic benefit from advertising is generally the entity that does the advertising. If it is a particular fast-food chain, they are the ones that normally get the benefit out of the advertising. 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.

THE CHAIR: My point is that the government also could be a recipient of economic benefit—licence fees of some sort. I am not suggesting we go down this route, but, given that this is a route that clearly is being considered, billboard advertising could provide a type of rent. It would be entirely reasonable for the government, if it did allow such behaviours, to regulate them financially so that it costs a certain amount if you want to advertise, even if the billboard is on private land. You are advertising to the public as a whole.

Mr Gentleman: I look forward to the committee's recommendations.

THE CHAIR: Yes, I was just surprised that you seemed to rule it out.

MS ORR: I want to get my head a little bit more around the public versus private land divide, as to where you can and cannot put signs and who can get away with what. On

public land, am I correct in understanding that the rules come under the signage code?

Mr Ponton: On public land it is the unleased territory land.

Mr Phillips: Depending upon the nature of the sign, unleased territory land requires permission from TCCS to actually put a sign there. Depending on what else might happen, it might require development approval. So there might be two processes in that. If you put a sign on unleased territory land, you would go through TCCS for approval, to get that permission. The next stage is that if you put a sign on private property, depending upon the nature of the sign, you might then need development application approval, but not approval from TCCS. If you put a sign in the main thoroughfares, it will be works approval that you require from the National Capital Authority.

MS ORR: Going back to the example Ms Le Couteur raised regarding the Ainslie football ground with their Subway sign—because it is a tangible example—the picture indicates that it is on private land, so they have put it up. I am guessing it is not big enough to be a billboard, so it would be a sign, and it would come under some sort of development approval process.

Mr Phillips: Theoretically, if it did not fit within one of the exemptions under the planning regulation, it would need DA approval.

MS ORR: Okay; I wanted to clarify the process.

Mr Phillips: It does look like it is behind a fence.

MS ORR: Yes. It is one of those things where, if I am right in understanding, we can say that the billboards—and I will put “billboards” in inverted commas because we do not have a hard definition of a “billboard”—are on private land and other sorts of things can be put in place; is that right?

Mr Phillips: Yes.

MS LAWDER: In your submission you talk about regulation in other jurisdictions. On page 11 there is reference to “concerns with a dependence on the associated revenue”. Is it a one-off charge or is it an annual fee that is charged?

Mr Gentleman: We have put some references at the bottom to those particular jurisdictions.

MS LAWDER: That particular paragraph does not have a reference, on page 11. It states:

In doing so, some cities suggest concerns with a dependence on the associated revenue ...

I wondered what the regime was. Is it a one-off approval fee or is it an ongoing annual fee?

Mr Ponton: I am sure there is a combination of all of those. Perhaps we could take it on notice and come back to you with some more detail.

MS LAWDER: That would be good.

Mr Ponton: It has been a while since I read the submission.

MS LAWDER: It says that some cities have started to reclaim public space, or take away or minimise signage. There is a reference to Grenoble and some other places. Do you know why particular cities are reducing it? Is it about visual pollution? Is it about visual amenity or distraction? Do you know on what basis they were starting this process of reducing it?

Mr Gentleman: I am looking at one of the references in regard to Philadelphia. It talks about input from the community and what they thought about those particular signs.

MS LAWDER: Philadelphia is a slightly different example.

Mr Gentleman: Yes.

MS LAWDER: A couple of paragraphs above it talks about banning the erection of billboards and some states in the US being billboard free. I was interested in the research that you did and whether you knew what prompted that reduction.

Mr Ponton: Off the top of my head, no. It has been a little while since I have looked at those references. I am happy to come back to you, having looked at those references. I suspect it was to do with reducing the visual impact that too many signs can have in certain cities. I am happy to come back to you.

MS CHEYNE: We have talked about size and location and private and public. We have touched a little bit on content, including the healthy weight initiative. A number of the submissions that we have received talked about the psychological impact or the impact on someone's psychological wellbeing. For my part, I am interested in what consideration is currently given to the content that is on a sign that we approve. If we were to strengthen our regulations around content, how would we do that?

Mr Gentleman: There are currently some regulations around approved signage. Principally, it needs to be predominant signage on the site that relates to perhaps the building name, the name of the business, the nature of the business, advertising of products made on the premises, business insignia, trademarks and those sorts of things. There is a secondary party code which looks at advertising for a secondary party. Those are products that are not initiated on the site but are associated with the business in its day-to-day business activity. That is the code structure at the moment. There is also third-party advertising, which is generally not allowed. That is where it is completely unrelated to what occurs on the premises, for example.

Mr Ponton: Table 2 within the code identifies where the placement of particular signs can occur, based on the principles that the minister just spoke about, or the definitions.

MS CHEYNE: Let us pick a somewhat random example. I was watching *Stacey Dooley Investigates* last night, so this is at the top of my mind. In that show they had quite a lot of very graphic images about abortion, for example. If a pro-life organisation wanted to have a sign or a billboard with some quite graphic images on it, would that currently be allowed based on our rules?

Mr Ponton: In terms of the code itself, there is nothing there that specifically requires the Planning and Land Authority, in considering a development application, to consider the specifics of the content. Having said that, there are other provisions in the act in considering a development application where we need to consider the appropriateness of the use or the land for the use. There is a hook there, I guess, in terms of applying a common-sense approach, if there was something that was particularly deemed to be offensive, to rely on that provision within the legislation itself as opposed to the code. Of course, if that were appealed, we would need to consider how we would defend that, because it is somewhat subjective.

MS CHEYNE: Yes, as to what is offensive and what is not.

Mr Ponton: It certainly could be strengthened. If the committee were to turn its collective mind to that particular issue, again, we are happy to receive any recommendations in that regard.

THE CHAIR: On page 10 there is a section headed “Enforcement and noncompliance issues”. At the end it says:

Accordingly, there may be examples where compliance of signage is open to question but has not been tested as no complaint has been raised.

I am confused, because earlier you talked about two complaints a year, which is greater than none. Is it just that they have always been regarded as so low a priority that no-one has bothered going any further?

Mr Ponton: I suspect the reference there—keeping in mind, as I said, that this is bringing together comments from a range of different agencies, including Access Canberra—is as to whether or not Access Canberra would initiate a compliance action of its own accord. Without having received a complaint, it would need to prioritise whether it did that, as against how it would respond, or the resources that it has to respond, to complaints that have been made.

THE CHAIR: It says that this “has not been tested as no complaint has been raised”. I am interpreting this as saying no-one has complained about—

MS LAWDER: I do not think that is what it means.

THE CHAIR: That is not what it means?

MS LAWDER: No, I think it is about compliance.

Mr Ponton: It is in relation to compliance.

MS CHEYNE: There might be some questionable signs around the place but because no-one has ever contacted anyone about them, they just keep going.

MS LAWDER: On that particular sign.

Mr Ponton: It is like this one that you provided to us: if there is not a complaint that has been lodged then it would not be investigated.

THE CHAIR: I thought earlier today you said that there were two complaints a year that actually came in. If there are two a year that come in, that is not no complaints.

Mr Phillips: The premise of what is intended in the submission is, as Ms Cheyne and Ms Lawder have said, there may be issues relating to certain signs where they have received complaints. The complaints in relation to particular signs—

THE CHAIR: To other signs.

Mr Phillips: To other signs have been investigated, with no follow-up compliance activity.

MS LAWDER: There are other examples like this one that may not be compliant, but because no-one has ever complained about it—

MS CHEYNE: I could have a big sign out the front of my place, but if no-one ever says anything, I could have it forever more.

THE CHAIR: I appreciate that. I interpreted this as meaning that you have not had any complaints; therefore you have not done anything.

Mr Phillips: I think the intention is as Ms Cheyne has just said.

THE CHAIR: I think I understand that there is no proactive enforcement. If you do not get a complaint, you do not do any enforcement. Where I am obviously confused is that I thought earlier you said you were getting about two complaints a year.

Mr Ponton: Yes.

THE CHAIR: Do I take this as saying that they are not really looked at? You are getting two a year, but it says “there may be examples where compliance of signage is open to question but has not been tested as no complaint has been raised”. It is on page 10.

Mr Ponton: We are saying that there may be examples like the one you have just provided to us that are not the subject of a complaint, and their compliance may be questionable, but we have not investigated those ones because there has not been a complaint.

MS LAWDER: The paragraph above says it is on a complaints basis, of which there are two.

THE CHAIR: But it does not say there are two. The one below it says there have been none.

MS LAWDER: But the ones where there has been no complaint—

Mr Ponton: In the circumstances where there has been no complaint.

THE CHAIR: So the bottom one is only relating to a specific unnamed one? I read that as saying you have not tested anything about your compliance laws because nobody ever complains.

Mr Ponton: No. If we have two complaints, we investigate those. But what we are saying is there could be other signs out there that we have not investigated because there has not been a complaint.

THE CHAIR: Okay. I now understand what you are trying to say, but it is not helping me to interpret it.

MS CHEYNE: Not to verbal any of the officials, so please correct me: potentially, we could have a thousand non-compliant signs throughout the territory but if only two of them have been complained about, only two have been investigated and then there are 998 hanging around that are not compliant as well.

THE CHAIR: That is what I would understand to be the situation, except for the no complaints. I did not understand your sentence to mean that, although what Ms Cheyne says would seem to be what I would think.

MS CHEYNE: You are reading that as no complaint having ever been raised.

THE CHAIR: Yes.

MS CHEYNE: Whereas they are talking about no complaint has been raised about some examples where the compliance might be—

Mr Ponton: The intent certainly is as Ms Cheyne—

THE CHAIR: Yes, okay.

Mr Gentleman: For completeness, too, for the committee and those listening, it would be worthwhile letting the public know that if they see a sign that they think is non-compliant, they should contact Access Canberra and let them know.

MS LAWDER: I have a question about inconsistent regulatory outcomes: a business with an awning, someone who has a fence. You talked about the fact that you have not reviewed the signs code for a while. Is that the kind of thing, irrespective of billboards, that you might be looking at if you are reviewing?

Mr Ponton: Yes.

MS LAWDER: To get more consistent results?

Mr Gentleman: Certainly in regard to what you just referred to in relation to awnings, blind signs and business plate signs, they are still handwritten in the code; so Mr Ponton made a very important point there, I think.

MS CHEYNE: I go back to those two sentences in the question before about complaints and investigation. Could I clarify that compliance activity under the Planning and Development Act is on a complaints basis, and that is where, on average, there are two a year?

Mr Ponton: Yes.

MS CHEYNE: But is that the same way that compliance activity is undertaken by TCCS?

Mr Phillips: I think TCCS takes a bit more of a proactive stance in compliance.

Mr Ponton: And that is essentially because it is on government land, as opposed to private land, and the regulatory arrangements are different for the two.

MS CHEYNE: Could we get that doubly confirmed? If they do not do it on a complaints basis, could they explain what approach they take to investigating? I am sure that complaints help as well.

Mr Ponton: I have somebody here who could actually answer the question now, if you like.

MS CHEYNE: Sure.

Ms Flanery: In my former role at Transport Canberra and City Services I was responsible for the city rangers who had the moveable signs code of practice. Election signs, community signs, real estate and advertising signs in the city were part of that portfolio. There is a mixture of follow-up responses from the city rangers for specific complaints. They are followed up very actively. People are sent infringements—those kinds of things. The infringement fines are reasonably high. I cannot recall the specific section of the Public Unleased Land Act but the fine is around \$220 for an individual who does not comply with the code and five times that for a corporation. So the fines are significant.

There was a mixture. Where someone had reported a sign there would be some response. I took a particular interest in making sure that there are signs in the right spot so the city did not look cluttered. In the city we were also very active in trying to make sure that signs were in the correct spot; so there was a mixture of both in that respect.

THE CHAIR: I should also have asked you before you came to the table to confirm that you are familiar with the privilege statement, which hopefully you are.

Ms Flanery: Yes. With four minutes to go, I had forgotten that.

THE CHAIR: No, I had also, Ms Flanery.

MS CHEYNE: I have only one more question and you might refer your previous responses. I guess that throughout this hearing, and in the submission as well, reference has been made to the fact that it is an options paper; that issues do not have a view. But in terms of the best planning outcomes that we could get here, if we were not doing an inquiry and you were hypothetically just starting your own review, what are the things in the directorate's view that need to be addressed urgently?

Mr Ponton: I might ask Mr Phillips to provide further detail but I think, as we alluded to earlier, we were talking about consistency. I think that would be the most important thing: consistency and also modernisation, given that it is some time since the code has been reviewed. They would be the two key things for me.

MS CHEYNE: As part of that modernisation, would transparency be part of that as well in terms of communicating to the public what is allowed where?

Mr Ponton: Absolutely. In fact, that is a good point. It has just prompted another thought: simplicity; so making it easier to understand. You have heard today that we have talked about unleased land, about the Planning and Development Act, about the Planning and Land Authority's role, about TCCS's role and about the NCA's role. So if we could achieve an outcome that is simpler, easier to navigate, more consumable, I think that would be ideal. Do you want to add anything, Mr Phillips?

Mr Phillips: Yes, Mr Ponton, thank you. I think I would just make a reflection on the level of complexity in relation to something that should be a rather simple policy to have for signs. There is a general signs code under the Territory Plan, but then there is a whole series of exemptions under regulation and then there are specific differences. Then there is another process in relation to use of unleased territory land. So I think I might echo what Mr Ponton has said.

MS CHEYNE: Yes, I guess that is important for me to clarify, because so many of these submissions do not change the laws or the current regulations, but I think that actually points to perhaps—

MS LAWDER: An outcome.

MS CHEYNE: Yes, people are looking at the outcome—clean streets and clean highways—rather than the fact that in practical terms we have really got potentially quite an unregulated environment in what is happening in practice. That is extremely helpful. I do have one final question.

THE CHAIR: Be quick.

MS CHEYNE: It is very quick. Are billboards that light up at night or big signs that light up at night allowed under any act, especially if they are attached to a development application or an urban area?

Mr Ponton: The code does talk about a changeable sign. Whether it—

MS CHEYNE: I might as well be specific. There is a very large sign in the town centre on the former site of section 200. It lights up at night. It is really quite a stunning design, but I guess I am just interested in whether that is consistent with the Planning and Development Act, what would be approved under that act or through the DA process.

Mr Ponton: For the specific detail, I might ask Mr Phillips to comment, but I would note, as we alluded to earlier, that arguably that could be a real estate advertising sign, but then there are the requirements around the size of that. In terms of the illumination, I would point you back to the fact that the code is 20 years old and it needs to be modernised because we are seeing more illumination of signage across the world.

MS CHEYNE: So there just might not be any—

Mr Ponton: I can start to think about whether it is a changeable sign, whether it is a real estate sign. There are areas or definitions that it could fit. But it may not be a neat fit, which is why I come back to our needing to look at modernising and updating the code.

Mr Phillips: The only thing I would add is that it could also be a temporary sign. Any long-term sign around that area would need development approval.

Mr Gentleman: The inflatable clown.

THE CHAIR: Thank you very much. This concludes the committee's proceedings for today. On behalf of the committee I thank you for attending the hearing today. Responses to questions taken on notice should be submitted to the committee office within five business days of the uncorrected proof transcript becoming available. The committee's hearing for today is adjourned.

The committee adjourned at 5.03 pm.