

Australian Capital Territory

Public Unleased Land (Movable Signs) Code of Practice 2013 (No 1)*

Disallowable Instrument DI2013—144

made under the

Public Unleased Land Act 2013, section 27 (Movable signs code of practice)

1 Name of instrument

This instrument is the *Public Unleased Land (Movable Signs) Code of Practice 2013 (No 1)*.

2 Commencement

This instrument commences on the commencement of the *Public Unleased Land Act 2013*.

3 Approval

I approve the code of practice about movable signs on public unleased land in the attached schedule.

Shane Rattenbury MLA
Minister for Territory and Municipal Services

19 June 2013

*Name amended under Legislation Act, s 60

**CODE OF PRACTICE
FOR THE PLACEMENT OF MOVABLE SIGNS IN PUBLIC PLACES**

1. Interpretation

In this Code, unless the contrary intention appears—

“arcade directory sign” means a fixed sign located outside an arcade entry that lists businesses within the arcade;

“business signs” means movable advertising signs placed by businesses;

“community signs” means movable signs placed by charities, schools and community groups to advertise temporary events;

“electoral advertising signs” means movable signs containing any printed electoral matter to which any of the following provisions apply: section 292 of the *Electoral Act 1992*, section 292 of the *Electoral Act 1992* as applied by section 17 of the *Referendum (Machinery Provisions) Act 1994*, section 328 of the *Commonwealth Electoral Act 1918* (Cwlth) or section 121 of the *Referendum (Machinery Provisions) Act 1984* (Cwlth);

“person” includes any business, charity, school, community group or political party or candidate;

“public place” means 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;

“real estate signs” means movable signs placed by real estate agents to advertise properties which are for sale and/or open for exhibition;

“sign” includes a notice and an advertisement.

2. Application of code

- (1) This Code of Practice is established by the *Public Unleased Land Act 2013* (the Act) and applies to movable signs including but not restricted to:
 - (a) business signs;
 - (b) real estate signs;
 - (c) community signs; and
 - (d) electoral advertising signs.
- (2) It is an offence to, without reasonable excuse, place or keep a movable sign in a public place other than in accordance with this Code of Practice.

3. Movable sign construction and safety aspects

- (1) All movable signs must have maximum enveloping dimensions, including framework or supporting wooden stake(s), of 900mm x 1200mm.
- (2) Business signs must be an A-frame construction.
- (3) Real estate signs, community signs and electoral advertising signs may be either A-frame construction or in the form of a board mounted on to one or more wooden stakes driven into the ground and must not exceed a dimension of 900mm x 1200mm.
- (4) All movable signs must be constructed to be stable in windy conditions and not require support from any other object.
- (5) Movable signs may be of any shape but must have smooth edges and no protrusions, which could be a danger to the public.
- (6) Sheet metal is not to be used in construction of movable signs mounted on stakes.
- (7) A self adhesive sign is not a moveable sign and is not included in this code.

4. Content of movable signs

- (1) Movable signs must not display words or images likely to cause offence to a reasonable adult to the extent that the movable sign should not be displayed in a public place.
- (2) The name of the business, estate agency, charity, school or community group responsible for placing the movable sign must be displayed on the movable sign for identification.
- (3) Electoral advertising signs must comply with the requirements of any of the following provisions:
 - (i) section 292 of the *Electoral Act 1992*;
 - (ii) section 292 of the *Electoral Act 1992* as applied by the *Referendum (Machinery Provisions) Act 1994*;
 - (iii) section 328 of the *Commonwealth Electoral Act 1918* (Cwlth); or
 - (iv) section 121 of the *Referendum (Machinery Provisions) Act 1984* (Cwlth).

5. Insurance requirements

- (1) A person who places a movable sign in a public place must have a current public liability insurance policy of at least \$10,000,000 limit of liability, which would include any liability to the public or the Territory arising out of such a sign, its design, construction or placement.

6. Number of movable signs and time limits

- (1) **Business signs –**
Each business may display a maximum of two (2) movable signs while the business is open for trading. Business signs must be kept within the boundaries of the commercial or industrial trading area in which the business is operating [see also Clause 7, Placement of movable signs].
- (2) **Real estate signs –**
Direction signs indicating open home or display home exhibitions may only be displayed during the hours the exhibition is open for viewing.
- (3) **Community signs –**
Schools, community groups and registered charities may display a maximum of twenty (20) movable signs for a period of two (2) weeks prior to the advertised event.
- (4) **Electoral advertising signs –**
Electoral advertising signs may only be displayed for a period of up to six (6) weeks. The 6 week period is the 6 weeks immediately preceding the election date.

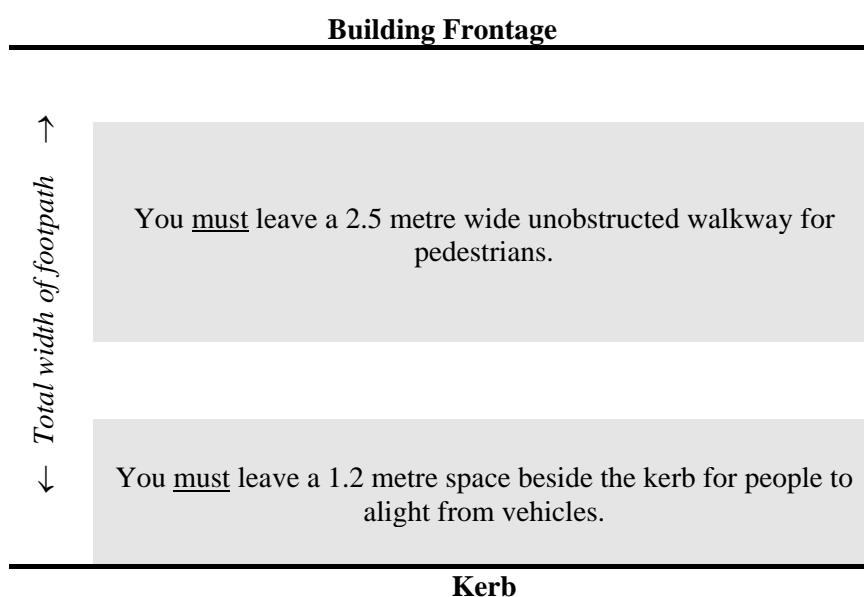
Election signs are only covered by the code for 48 hours after the official election day and must be removed within 48 hours of the close of the polling booths. Any election sign not removed within 48 hours of the close of polling booths will be considered to be an illegal sign or poster and the Territory will implement provisions to remove the offending sign.

7. Placement of movable signs

- (1) Movable signs may be placed on unleased Territory Land subject to the following restrictions –
 - (a) Movable signs must not be placed in the following areas:
 - (i) Designated Areas, ie areas with the special characteristics of the National Capital – except with the express approval of the National Capital Authority [see also Clause 8, Designated Areas];
 - (ii) in the case of business signs – outside the boundaries of the commercial or industrial centre in which the business is operating. These boundaries are defined by the land use policies shown on the Territory Plan maps;
 - (iii) roundabouts;
 - (iv) median strips of roads (schools and charities exempt);
 - (v) within 20 metres of traffic lights;

- (vi) on residential nature strips (real estate signs exempt);
 - (vii) within 20 metres of the apex of the kerb lines at an intersection (real estate directional signs exempt); or
 - (viii) where an arcade directory sign is installed for the arcade building that a business is located in.
- (b) Movable signs must not be attached to, affixed to under any circumstances, or obstruct any part of the following objects:
- (i) bridges or overpasses;
 - (ii) Government property;
 - (iii) trees or other vegetation; or
 - (iv) traffic lights or street lights;
 - (v) Other infrastructure which includes, but is not limited to poles, light poles, traffic signs, traffic lights, traffic control boxes and other traffic control devices, transformer boxes, trees, fences, bridges, whether owned or under control of ACTEW or the ACT Government.
- (c) Prohibited Actions:
- (i) movable signs must not cause a danger or restrict pedestrian access on walkways or nature strips;
 - (ii) movable signs must not cause a danger or restricted access for visually or physically impaired pedestrians, or pedestrians pushing a stroller, pram trolley or any other object;
 - (iii) placement of movable signs must be a minimum of 1.2 metres back from the back of the street kerb to allow persons free access when alighting from a vehicle;
 - (iv) movable signs must not encroach on to or cause an obstruction on pedestrian or bicycle footpaths;
 - (v) in commercial areas pedestrians must have access to a minimum of a 2.5 metres wide walkway free of movable signs or other obstructions, in addition to 1.2 metres back from the top of the street kerb. The walkway should allow pedestrians to walk either in a straight line or in a line which follows the street contour (see Fig. 1).

Figure 1



- (vi) movable signs must not be placed in pedestrian access under awnings which are 2.5 metres or less in width;
 - (vii) the use of metal pickets, rope, wire, chains, padlocks or any other device must not be used to secure movable signs in the ground or to another object;
 - (viii) movable signs must not be placed in front of, over the top of, or in a position that will restrict access to fire hydrants, above-ground and in-ground access to services; and
 - (ix) movable signs must not be placed in emergency vehicle access routes.
- (d) The placement of movable signs must not impede maintenance activities (eg the mowing of grass).
- (2) In relation to movable signs in the immediate vicinity of polling places –
- (a) In this paragraph:
“Polling place” means
 - (i) For Territory elections, the same as “polling place” in section 291 of the *Electoral Act 1992*;
 - (ii) For Commonwealth elections, a place appointed as a polling place in pursuance of section 80 of the *Commonwealth Electoral Act 1919* (Cwlth);

- (iii) For Territory referendums, section 291 of the *Electoral Act 1992* as applied by the *Referendum (Machinery Provisions) Act 1994*; and
- (iv) For Commonwealth referendums, section 80 of the *Commonwealth Electoral Act 1918* (Cwlth) as applied by section 16 of the *Referendum (Machinery Provisions) Act 1984* (Cwlth).

“Polling hours” means the hours for which a polling place is open and taking votes.

- (b) Paragraphs 7 (1) (b) (ii), 7 (1) (b) (iii) and 7 (1) (c) (vii) of this Code do not apply to polling places during polling hours.
- (c) Paragraph 3 (3) of this Code does not apply to the area within 25 metres of the entrance to polling places during polling hours.
- (d) Sheet metal is not to be used in the construction of any movable sign under this paragraph other than signs of A-frame construction.

8. Designated Areas

- (1) Movable signs must not be placed in public places in Designated Areas without the approval of the National Capital Authority.
- (2) Designated Areas are areas that have the special characteristics of the National Capital and are identified in both the National Capital Plan and the Territory Plan. They include:
 - (a) the Parliamentary Zone;
 - (b) the War Memorial surrounds;
 - (c) Commonwealth and Kings Park; andthe following Main Avenues and Approach Routes:
 - (d) Adelaide Avenue;
 - (e) Ainslie Avenue;
 - (f) Anzac Parade;
 - (g) Barton Highway;
 - (h) Brisbane Avenue;
 - (i) Canberra Avenue;
 - (j) Commonwealth Avenue;
 - (k) Constitution Avenue;
 - (l) Edinburgh Avenue;
 - (m) Fairbairn Avenue;

- (n) Federal Highway;
- (o) Hobart Avenue;
- (p) Kings Avenue;
- (q) Limestone Avenue (south of Ainslie Avenue);
- (r) Melbourne Avenue;
- (s) Monaro Highway;
- (t) Morshead Drive;
- (u) Northbourne Avenue;
- (v) Perth Avenue;
- (w) Pialligo Avenue;
- (x) State Circle;
- (y) Sydney Avenue;
- (z) University Avenue;
- (aa) Wentworth Avenue