



Removal of Placards, Bills, Flyers, Banners and Paper Affixed to Public Assets Policy

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1. Scope

This policy applies to public assets and includes Public Land and Public Infrastructure within the Parramatta Local Government Area. It includes buildings, fences, bridges, trees, bus shelters, power poles, light poles, seats and rubbish bins.

This policy applies to Council staff and the community at large.

2. Purpose

This policy sets out the action Council will take in relation to placards, bills, flyers, posters, banners, paper affixed to public assets without approval.

3. Policy

- 3.1** The affixing of placards, bills, paper, flyers, posters, banners on public assets has a negative impact on the quality of the visual amenity of the Local Government Area and can cause pollution. Council will protect the visual amenity of the Parramatta Local Government Area through exercising its powers under the *Graffiti Control Act 2008* to remove placards, bills, flyers, posters, banners and paper that have been reported or identified as being affixed to public assets within the Local Government Area. All material removed shall be treated as waste and destroyed.
- 3.2** The Environmental Planning and Assessment Act and Protection of the Environment Operations Act provide Council with Powers to investigate the unauthorized placement of bill posters and take action against offenders. If caught in the act of placing such material in a public place, Council officers can issue on the spot fines to those individuals who are putting the posters up. However, City of Parramatta Council considers that prompt removal of these materials is the most effective deterrent. Refer Attachment 'B'.

Removal of Placards, Flyers, Banners and Paper Affixed to Public Assets		
Owner Manager Regulatory Services	Area: Regulatory Services	POL No: 339
Date of Commencement: 2015	Approval Authority: Council	Date Approved: 10 July 2017
Amendment 2	Date of Next Review:2020	Review period : every 3 years



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- 3.3** Materials will not be removed in circumstance that would place Council staff or others at risk. Removal of material from or near power poles will comply with Work Health and Safety Act and regulations, Council's WHS policies and procedures and the Work Cover New South Wales 'Work Near Overhead Power Lines' Code of Practice 2006. Refer Attachment 'A'
- 3.4** City of Parramatta Council will seek agreements with the owners of non-Council public assets to allow for the prompt removal of materials.
- 3.5** There is community concern about the impact of campaign posters on the quality of the urban environment and therefore this Policy applies to Election Posters. Where feasible, any election poster removed under this policy will not be destroyed and will be kept for 2 weeks after the day of the election. The owners of the posters can collect them from Council during retention period.

Legislation

The following documents shall be read in conjunction with this policy and comments on relevant sections have been included as attachments for information only.

1. Graffiti Control Act 2008
2. Work Cover New South Wales 'Work Near Overhead Power Lines' Code of Practice 2006

REFERENCES	
POLICIES	
ATTACHMENTS	

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Attachment A

Work Cover New South Wales 'Work Near Overhead Power Lines' Code of Practice 2006 – summary of key points.

WHAT IS WORK NEAR OVERHEAD POWER LINES?

There are legislative obligations on employers, or other persons conducting a business or undertaking in regard to undertaking work in close proximity, or at an unsafe distance, to overhead power lines. Employers and persons conducting a business or undertaking must make sure that no person, plant or thing comes within an unsafe distance of any overhead or underground electric line so far as reasonably practicable. The term 'near' is utilised as a reference point for persons planning and undertaking this work. Work 'near' overhead power lines means a situation where there is a reasonable possibility of a person, either directly or through any conducting medium, coming closer than the approach distances specified in the Code. For the purposes of the Code the term 'near' can be interchanged with other legislative or commonly used industry terms i.e. 'close proximity', 'unsafe distance' or 'in the vicinity of.

PERSONNEL WORKING NEAR OVERHEAD POWER LINES

The Code of practice is based on the assumption that without appropriate technical knowledge and experience of electricity distribution networks and associated electrical apparatus, untrained personnel working or operating cranes or plant near overhead power lines will not be able to identify the operating voltage concerned, and will therefore not be able to recognise and avoid the inherent dangers of live overhead power lines. These personnel are termed ordinary persons. The approach distances specified in this code of practice take account of differing levels of technical knowledge, and are substantially greater for ordinary persons than for personnel who have been trained and assessed as having the necessary technical knowledge. These personnel are termed accredited persons.

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Attachment B

Extract - Graffiti Control Act 2008 No 100

Definition

Premises: includes the whole or any part of a structure, building, vehicle, vessel or place, whether built on or not. (*Graffiti Control Act 2008 No 100*)

Part 2 Graffiti related offences

Section 6 Posting bills and other marking offences

A person must not:

- (a) affix a placard or paper on any premises, or
- (b) intentionally mark, by means of chalk, paint or other material, any premises, so that the placard, paper or marking is within view from a public place, unless the person first obtained the consent, if the premises are occupied, of the occupier or person in charge of the premises or if the premises are unoccupied, of the owner or person in charge of the premises.

Maximum penalty: 4 penalty units.

Part 4 Graffiti Removal Work by Local Councils

Section 11 Graffiti removal work-by agreement with owner or occupier

A local council may, by agreement with the owner or occupier of any private land, carry out graffiti removal work on the land.

Graffiti removal work-without agreement of owner or occupier

- (1) A local council may, without the agreement of the owner or occupier of any land, carry out graffiti removal work to property on that land if the graffiti concerned is visible from a public place.
- (2) The graffiti removal work referred to in subsection (1) may only be carried out from a public place.
- (3) The local council concerned is to bear the cost of graffiti removal work referred to in subsection (1).
- (4) If a local council carries out graffiti removal work in accordance with this section, the council must, within a reasonable period, give the owner or occupier of the land concerned written notice that the work has occurred.

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- (5) A local council must pay compensation for any damage caused by the council in carrying out graffiti removal work in accordance with this section.

Note. Section 730 of the Local Government Act 1993 provides for the resolution of claims for compensation relating to damage under this section in cases of dispute between the person claiming the compensation and the council.

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