



CITY OF PARRAMATTA

Removal of ~~Placards, Bills, Flyers, Banners and Paper Affixed to Public Assets~~ ~~Printed Promotional Materials~~ Policy

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1. Scope

- 1.1 This ~~P~~policy applies to all Printed Promotional Materials being placed on or attached to Public Assets within the City of Parramatta Local Government Area (LGA). ~~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.~~
- 1.2 This ~~P~~policy further applies to City of Parramatta Council (Council) ~~staff Employees engaged in regulating such materials and the community at large.~~

2. Purpose

- 2.1 This ~~P~~policy sets out the action Council ~~will~~may take in relation to ~~placards, bills, flyers, posters, banners, paper affixed to public asses-~~
~~unauthorized Printed Promotional Materials Displayed on Public Assets.~~ without prior approval.
- 2.2 This Policy aims to prevent the negative impacts on the visual amenity and pollution risk caused by Displaying Printed Promotional Materials on Public Assets. Additionally, this Policy aims to ensure the safety of pedestrians relative to the use of A-Frames.

3. Policy

- 3.1 ~~The affixing of placards, bills, paper, flyers, posters, banners on public assets has a~~

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Amendment 2	Date of Next Review:2020	Review period : every 3 years

Commented [MM1]: Updated title from the Policy for the Removal of Placards, Bills, Flyers, Banners and Papers Affixed to Public Assets to Removal of Printed Promotional Materials Policy. Employed new comprehensive term Printed Promotional Materials throughout the Policy, and provided examples of materials types under Definitions.

Commented [MM2]: Policy content has been transferred to current Policy Template

Commented [MM3]: Moved to Definition of Public Assets

Commented [MM4]: Updated language in Policy section, including list formatting and referencing. Re-ordered existing clauses.



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negative impact on the quality of the visual amenity of the Local Government Area and can cause pollution. The Display of any Printed Promotional Materials on Public Assets is prohibited, unless prior authorisation is obtained from Council.

3.1.1 The placement of A-Frames on public footpaths, nature strips or road related areas is generally prohibited in the LGA.

3.1.2 Exemptions permitting the Display of Printed Election Campaign Materials and the use of A-Frames are set out in clause 3.5.

3.2 Council will protect the visual amenity of the Parramatta Local Government Area LGA through by exercising its powers under Part 4 of the Graffiti Control Act 2008 (NSW) to remove placards, bills, flyers, posters, banners and paper Printed Promotional Materials that have been reported or identified as being affixed to Displayed on public assets within the Local Government Area LGA. All removed materials removed shall can be treated as waste and destroyed.

3.2 3.3 As set out in Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act 1979 (NSW) and Parts 4.2, 5.6A, and Chapter 7 of the Protection of the Environment Operations Act 1997 (NSW), provide Council with Powers to may investigate the unauthorized placement of bill posters Printed Promotional Materials 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 will regard that prompt removal of these materials is as the most effective deterrent; however, fines may also be issued. Refer Attachment 'B'.

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 Where unauthorised Printed Promotional Materials are affixed to Public Assets other than Council-owned assets, Council will refer to specific agreements made with the public asset owners regarding the removal of materials. City of Parramatta Council is committed to will seek agreements with the working with public asset owners of non-Council public assets to allow for the prompt removal of materials, unauthorised Printed Promotional Materials, to protect the visual amenity and safety of pedestrians in the LGA.

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Commented [MM5]: Moved to Purpose section

Commented [MM6]: Clarified that prior authorisation is required to be obtained from Council to display any printed promotional materials on public assets

Commented [MM7]: Clarified that the general use of A-Frame signs is not permitted

Commented [MM8]: Clarified that exemptions may apply for the display of printed election campaign materials and the use of A-Frames

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Commented [MM9]: Moved to Procedure section

Commented [MM10]: Clarified framework for Council's regulation of unauthorised printed promotional materials affixed to Public Assets not owned by Council, to provide clarification for external stakeholders regarding Council's regulatory role and the parameters of its obligations.



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3.5 ~~There is community concern about the impact of campaign posters on the quality of the urban environment and therefore this Policy applies. The following special conditions will apply to Council's regulation of Printed Election Posters Campaign Materials, Displayed on Public Assets:-~~

3.5.1 ~~Subject to the conditions set out in this clause 3.5, A-Frames may be used as Printed Election Campaign Materials or by current Councillors or Members of State or Federal Parliament for the purposes of carrying out their official duties (e.g. community consultation). No more than two (2) A-Frames can be placed on a footpath or nature strip, and they cannot be more than ten (10) metres apart, without a candidate or their representative being within five (5) metres of the A-Frames, to ensure pedestrian safety.~~

3.5.2 ~~Where feasible, any Printed Election poster Campaign Materials removed by Council under this Policy will not be immediately destroyed, and Materials will be kept for a period of 2 weeks fourteen (14) days after the day of the election. The owners of the posters can collect them from Council during retention period to allow for collection, after which they will be treated as waste and destroyed.~~

3.5.3 ~~Placement of Printed Election Campaign Materials on public trees is prohibited. Any Printed Election Campaign Materials placed on public trees will be immediately removed and destroyed, and fines may be issued.~~

3.5.4 ~~All other requirements and guidelines under the relevant State or Federal Electoral Commission for the placement of Printed Election Campaign Materials must be adhered to, relevant to the placement of posters in the entry and internal building areas (Please refer to the Electoral Act 2017 (NSW) and the Commonwealth Electoral Act 1918 Cth), as relevant).~~

3.5.5 ~~All other requirements under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW) for the display of Printed Election Campaign Materials.~~

4. Delegation

4.1. ~~There are Administrative and/or Legislative Delegations applicable to this Policy, which are provided for in Council's Delegations Manual.~~

5. Procedure

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Commented [MM11]: Expanded specifications for regulating printed election campaign materials displayed on public assets, to address community concerns by providing a more-precise regulatory framework, which will support Council enforcement

Commented [MM12]: Added provision for the use of A-Frames for the purposes of carrying out official duties, as per feedback from the 15 November Policy Review Committee Meeting.



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5.1. ~~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~~ must comply with *Work Health and Safety Act 2011 (NSW)* and ~~regulations~~ *Work Health and Safety Regulation 2017 (NSW)*, Council's ~~WHS p~~ Policies and ~~p~~ Procedures, and the *Work Cover New South Wales NSW 'Work Near Overhead Power Lines' Code of Practice (2006)*. Refer ~~Attachment 'A'~~

5.2. This Policy should be read in conjunction with Council's Street Activity Policy, which sets out the process for apply to Council for authorisation to Display Printed Promotional Materials on Council's Public Assets.

6. Definitions

Commented [MM13]: Clarified that approval for displaying Printed Promotional Materials on Council's Public Assets (where required) is set out by Council's Street Activity Policy.

A-Frame	A Frame signs (also known as Foldable Signs or Sandwich Board) are generally made of Metal, PVC, or Plywood and are portable outdoor, two-sided signs that stand up like an easel to form an A shape and are foldable for ease of movement, typically used for advertising or promotions.
Display/Displaying/Displayed	Refers to where Printed Promotional Materials are placed on or attached to an asset.
Employee/s	A person who is directly employed by Council on a full time, part time, temporary or casual basis.
Offenders	Refers to both the persons who install unauthorised Printed Promotional Materials and persons who contract the installation of unauthorised Printed Promotional Materials.
Printed Election Campaign Materials	Print materials used for promotion related to a scheduled election, including posters, placards, corflutes, and A-Frame signage.
Printed Promotional Materials	Unauthorised promotional materials such as placards, posters, bills, flyers, banners, papers, corflutes, and A-Frame signage.
Public Assets	Refers to public roads, road related areas such as nature strips and footpaths, and includes public infrastructure such as buildings, fences, bridges, trees, bus shelters, power poles, light poles, power substation boxes, street posts, traffic signposts, traffic lights, seats, and rubbish bins. This list is not exclusive or exhaustive.

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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~~

Commented [MM14]: Moved to References table as per Policy Template

REFERENCES	<i>Commonwealth Electoral Act 1918 (Cth)</i> <i>Electoral Act 2017 (NSW)</i> <i>Environmental Planning and Assessment Act 1979 (NSW)</i> <i>Graffiti Control Act 2008 (NSW)</i> <i>Protection of the Environment Operations Act 1997 (NSW)</i> <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW)</i> <i>WorkCover NSW, Work Near Overhead Power Lines Code of Practice (2006)</i> <i>Work Health and Safety Act 2011 (NSW)</i> <i>Work Health and Safety Regulation 2017 (NSW)</i>
ASSOCIATED POLICIES	<i>Street Activity Policy</i> <i>Regulatory Enforcement Policy</i> <i>Work Health and Safety Policy</i>
ATTACHMENTS	<i>Nil</i>

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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.

Commented [MM15]: Deleted Attachment A – Work Near Overhead Power Lines and Attachment B – Graffiti Control Act, to avoid restating legislation and external guidelines in Council's policies. Any relevant external documents are instead listed under References to direct readers to the original source of information.

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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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