

Item 13.8

Notices of Motion

Illegal Bill Posting

By Councillor Forster

It is resolved that:

- (A) Council note:
- (i) it is illegal to put advertising posters on street poles;
 - (ii) advertising posters on street poles create visual clutter, generate tons of waste and are an environmental hazard when they peel off and become litter;
 - (iii) illegal bill posters cost the City of Sydney almost \$1 million each year to remove;
 - (iv) in September 2007, the City announced a plan aimed at reducing the number of illegal posters;
 - (v) the plan was designed to be the first phase of an overall strategy to stop illegal bill posters, involving consultation with organisations which continued to produce and place such posters, and warning them that they would face enforcement action by City Rangers;
 - (vi) the City then installed eight poster pillars, which remain in place, on popular city streets as part of a 12-month trial to provide a legitimate location for notices and posters;
 - (vii) in October 2008, the City announced via a media release that it had written to 130 known offenders warning them to stop polluting by placing posters on street poles or face consequences, and stating that enforcement action would commence from 10 November 2008;
 - (viii) the same media release stated that, under the Protection of the Environment Operations Act 1997 (POEO), bill posting was considered illegal because it was a form of pollution and that councils could issue fines directly to the venue responsible for producing the bill poster;
 - (ix) fines detailed in the media release included Prevention Notices of \$320 each, with subsequent offences attracting fines of \$750 for individuals and \$1,500 for organisations;
 - (x) despite those assertions, late last year my office was advised by Council staff that the POEO in its current form does not provide an effective mechanism for the regulation of bill posting;

- (xi) in 2014, the NSW Government committed to a review of the Graffiti Control Act, specifically looking at the possible introduction of provisions for councils to issue penalty notices to commercial entities or individuals who are responsible for posting bills on street poles; and
 - (xii) in addition, under the Environmental Planning and Assessment Act 1979 (EPAA), bill posting could be classed as prohibited development and therefore subject to on-the-spot fines of \$3,000 for an individual and \$6,000 for a corporation; and
- (B) the Chief Executive Officer be requested to write to the relevant NSW Government Ministers and/or Departments requesting that action be taken to make provisions under the most appropriate Act or Acts to enable City of Sydney Rangers to take enforcement action to prevent bill posting on street poles in the Local Government Area.