

Graffiti Management Policy

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Introduction and objectives

The term 'graffiti' is generally used as an all-encompassing label for any illegal writing or drawing on buildings, trains, fences etc. There are different forms of graffiti, the most prevalent being the practice of 'tagging' an identifying word with spray paint or a wide felt tip pen in a publicly visible place. Graffiti is a well-studied practice, as noted by Alonso: '...psychologists, sociologists, linguists, law enforcement, anthropologists and geographers have studied graffiti. It has been examined to understand adolescent personality, ancient cultures, sexual attitudes, artistic style, gender differences, behaviour, communication, female suppression and territoriality.'

A graffiti audit carried out in February 2005 recorded over 4000 square metres of graffiti in Randwick City Council area. This is quite a high level of graffiti, which is a community concern.

Residents are often legitimately angry when vandals deface their homes, public places and open space. Unsightly graffiti adds to an atmosphere of neglect and urban decay and distorts perceptions about the actual level of crime and safety.

This policy has been developed in response to the proliferation of graffiti within the Randwick City Council.

Overall, the aim of this policy is to create and maintain better neighbourhoods for residents, businesses and visitors by effectively preventing and managing graffiti.

The objectives of the policy are:

- To enhance the Randwick City Council's built and natural environment by reducing incidents of graffiti.
- To remove graffiti as quickly as possible as a deterrent.
- To remove graffiti using environmentally sustainable methods to minimise harm to the environment.

1 Purpose

That Randwick City Council seeks to minimise the incidents of graffiti on both public and private property by prompt removal.

The Graffiti Management Policy has been formulated to enhance the Randwick City Council's streetscape by minimising the impact of graffiti. This policy provides the City with a framework through which to respond to the ongoing prevalence of graffiti in the Local Government Area. This policy applies across the Randwick City Council Local Government Area.

The desired outcome of this policy is to reduce graffiti occurrences through the use of rapid removal and other initiatives.

2 Principles

The Randwick City Council's Graffiti Management Policy is based on the following principles:

- The need for a holistic program that considers a broad range of community interests including removal of graffiti from private property.
- Resident concerns about graffiti and owner/occupier rights to graffiti free assets.

- Graffiti management strategies must be efficient and cost effective.
- The need to involve all departments within Council and key government agencies regarding innovations to deter graffiti, by way of design and planning concepts.
- There are four key elements to minimise the impact of graffiti. These elements include: prevention; continual removal; prosecution; and education.

3 Definitions

For the purposes of the Randwick City Council's Graffiti Management Policy:

"The Act"

Means the NSW Local Government Act 1993.

Graffiti

Means any inscription, word, figure or word design that is marked, etched, scratched, drawn, sprayed, painted, pasted, applied or otherwise affixed to or on any surface of any Assets and includes any remnants of same such as adhesives, glues, tape, shadows or colour variations remaining after removal.

Graffiti Register

Means the register that is required to be developed and maintained in accordance with section 67 of the Act.

Non-Publicly Accessible Private Property Assets (NPAPP)

Means structures and assets not vested in the Crown nor owned by the Randwick City Council on Private Land as defined by the Act. Graffiti on this private land must be visible from a public place yet inaccessible from a public place. Removal of Graffiti from NPAPP can only occur with the owner / occupier's consent, in accord with Section 67A of the Act.

Owner's Consent

Means the consent required from the owner/occupant in order to remove Graffiti from NPAPP in accord with section 67A of the Act.

Publicly Accessible Private Property (PAPP)

Means structures and assets not vested in the Crown nor owned by the Randwick City Council on Private Land as defined by the Act. Graffiti on this land is visible from a public place and can be accessed / reached from a public place. Graffiti can be removed from PAPP without the consent of the owner/ occupier in accordance with Section 67B of the Act.

Main Roads

Main Road Areas contain streets that are subjected to high pedestrian traffic and tend to be the main gateways and thoroughfares in the City. For the purpose of this policy, all the streets that are classified as "State Roads" and "Regional Road" in Road and Transport Authority's classification will be treated as main roads.

Minor Roads

Minor Road Areas contain streets that are not subject to high pedestrian traffic or large amounts of graffiti and posters. For the purpose of this policy, all the streets that are classified as "Local Roads" in Road and Transport Authority's classification will be treated as minor roads.

4 Legislation

4.1 Local Government Amendment (Graffiti) Act 2002

The Local Government Amendment (Graffiti) Act 2002 commenced on 19 July 2002. This Act provides Councils with the power and therefore the responsibility to remove graffiti where the graffiti can be seen and accessed from a public place.

If Randwick City Council uses its powers under this Act, it is required to:

- Meet all costs associated with the removal of the graffiti; and
- Give written notice to the owner/occupier that the graffiti has been removed.

4.2 Summary of Offences Act 1988

The Local Government Amendment (Graffiti) Act 2002 commenced on 19 July 2002. This Act states that Graffiti is illegal in New South Wales. Damaging or defacing property by means of chalk, paint, felt tip markers or other material is an offence. This offence is reported by the NSW Police as malicious damage.

Most graffiti related offences in New South Wales are handled under the Summary Offences Act 1988, Sections 9, 10a, 10b and 10c.

Under the Summary Offences Act 1988 (Section 10c) it is also illegal for anyone to sell spray paint cans to persons under the age of 18. This law commenced on 1 September 2003.

5 Policy implementation strategy

While it is not possible to eliminate graffiti altogether, Council will adopt a variety of strategies to reduce illegal graffiti. These strategies aim to -

- Prevent the reoccurrence of illegal graffiti through rapid removal;
- Educate the community about the illegality of graffiti;
- Prevent the reoccurrence of illegal graffiti through the prosecution of offenders;
- Profile local opportunities for residents to display notices/posters of community nature;
- Lessen the negative financial and social impact of illegal graffiti; and
- Reduce the fear of crime in the community.

5.1 General

- Council will inspect main roads weekly and remove graffiti within three days of identification or owner's consent being obtained.
- Council will inspect minor roads monthly and remove graffiti within five days of identification or owner's consent being obtained.
- Residents/ratepayers can call Council's Call Centre (1300 722 542) to report graffiti for removal or to ask for advice on managing graffiti.
- All solvents, additives or chemicals used by Council for removing graffiti should be handled with ecologically sustainable development principles to minimise harm to the environment and comply with relevant environmental law and policies.

5.2 Rapid removal

An effective strategy against illegal graffiti is to remove it as quickly as possible and to persist in removing it. Removal of graffiti should be done as soon as possible because:

- Solvents dissolve paint more easily if it is not completely dried and hardened;
- The appearance of the property and the neighbourhood is improved making it a less likely target for illegal graffiti and dumped waste;
- Illegal graffitists will be deprived of the reward/satisfaction of recognition.

5.3 Main Road areas

Main Road Areas contain streets that are subjected to high pedestrian traffic and tend to be the main gateways and thoroughfares in the City. These streets are subjected to a large amount of graffiti and posters on a daily basis.

Due to their nature, Main Roads will be inspected weekly and graffiti be removed within three days of identification or owner's consent being obtained.

5.4 Minor Road areas

Minor Road Areas contain streets that are not subject to high pedestrian traffic or large amounts of graffiti and posters.

Minor Road Areas will be inspected once a month and graffiti be removed within five days of identification or owner's consent being obtained.

5.5 Emergency removal capacity

As part of Council's graffiti removal program, Randwick City Council will have an emergency graffiti removal capacity that enables Council to organise the removal of particularly offensive graffiti within six (6) hours from being reported.

5.6 Council property

Council's assets are to be free of graffiti as a result of the graffiti removal program, reducing the incidents of graffiti through the use of a rapid removal strategy and the application of innovative techniques.

5.7 Private property

Randwick City Council is committed to addressing community concerns about the financial and social costs of illegal graffiti and will remove graffiti from publicly accessible private property.

5.8 Publicly accessible private property

It is proposed to remove this graffiti under section 67B of the Local Government Act 1993, Council has the power and therefore the responsibility to remove graffiti, where the graffiti can be seen and accessed from a public place.

For each incident of graffiti removed from publicly accessible private property, Council shall:

- Take photographic evidence of the incident (pre and post removal);
- Update the graffiti register (as per section 67C of the Act) within 5 working days of the removal of the incident;
- Within 5 working days of removal, provide the owner/occupier of the property concerned with written notice that the removal has occurred; and

- Meet all costs associated with the removal of the graffiti.

5.9 Non publicly accessible private property

Under section 67A of the Local Government Act 1993, Council can remove graffiti, with the consent of the owner/occupier where the graffiti can be seen yet inaccessible from a public place. For such properties Council will:

- Obtain the consent of the property owner/occupier to remove the graffiti (Attachment 1);
- Take photographic evidence of the incident (pre and post removal);
- Update the graffiti register (as per section 67C of the Act) within 5 working days of the removal of the incident;
- Within 5 working days of removal, provide the owner/occupier of the property concerned with written notice that the removal has occurred; and
- Meet all costs associated with the removal of the graffiti.

5.10 Public enquiries

Members of the community can report incidences of graffiti for removal to Council on 1300 722 542.

Incidents reported to this line will be removed within a working day of reporting or owner's consent being obtained.

5.11 Heritage structures

Necessary approval will be obtained before removing graffiti from heritage structures and monuments.

5.12 Community education and awareness

Council's graffiti management program will be promoted to residents and ratepayers during regular community forums and in newsletters.

Promotional material will also be developed and distributed to gain community awareness of graffiti removal and prevention strategies to assist with the management of graffiti on private property.

5.13 Prosecution

Graffiti is illegal in New South Wales. Damaging or defacing property by means of chalk, paint, felt tip markers or other material is an offence. This offence is reported by the NSW Police as malicious damage.

Most graffiti related offences in New South Wales are handled under the Summary Offences Act 1988, Sections 9, 10a, 10b and 10c.

Council Rangers also will take action when they witness someone in the act of defacing property with graffiti.

A. Consent form for removal of graffiti from private property

Consent to Clean Graffiti

Randwick City Council ("the Council") has adopted a multi-Graffiti Management Policy.

As part of the policy, Council will seek to remove all graffiti that appears within Randwick including that appearing on private property. Under Section 67A of the Local Government Act 1993, a council may, by agreement with the owner or occupier of any private land, carry out graffiti removal work on the land.

We hereby seek your express consent to remove graffiti from your property or assets found within the City of Randwick, as and when it appears.

If you agree, please acknowledge your consent below.

If you have any queries whatsoever regarding this matter, please do not hesitate to contact

I, _____ [Insert Name], the _____ [Insert Designation]

of _____ [Insert Name of Organisation] hereby give my

Consent to Randwick City Council and/or their agents removing graffiti appearing on our property within Randwick City henceforth.

_____ [Signed]

_____ [Name and designation]

_____ [Date]

FOLLOW US ONLINE



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