



WAVERLEY
COUNCIL

Graffiti Management Policy

Policy owner	Executive Manager, Waste, Cleansing and Fleet
Approved by	Council
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Relevant legislation	<i>Graffiti Control Act 2008</i>
Related policies/procedures/guidelines	
Related forms	

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1. Background

Graffiti impacts the community in several ways. Graffiti can have a negative impact on community amenity including perceptions of poor safety and increased crime. Graffiti can have a negative impact on the environment through pollution (including chemical and litter runoff into waterways), damage to items of environmental heritage and atmospheric impacts caused by aerosol sprays. Finally, graffiti impacts the community and the Council financially through costs associated with its removal, management and associated decreased property values. This policy seeks to address these impacts in a sensitive, effective, and cost-effective way.

2. Purpose

Council seeks to minimise incidents of graffiti on both public and private property by prompt removal, whilst providing legitimate avenues for the expression and dissemination of community information and art. The purpose of the Graffiti Management Policy is to establish an effective and cost-efficient graffiti removal service in the Waverley local government area and to describe the framework for the display of art, posters and notices.

3. Scope

This policy applies to graffiti management on public and private property in the Waverley local government area.

Under the *Graffiti Control Act 2008*, Council may undertake graffiti removal work on private property from the public place without the consent of the owner, provided that the graffiti is visible from a public place.

4. Policy Content

4.1 Graffiti Control Act

Under the *Graffiti Control Act 2008*, Council may undertake graffiti removal work on private property from the public place without the consent of the owner, provided that the graffiti is visible from a public place. Council must inform the owner via written notice that this work has occurred within a reasonable timeframe. Council does this by providing the landowner the graffiti removal notification notice.

4.2 Reporting Graffiti

Council encourages the community to report incidences of Graffiti for removal. Where possible, reported incidences will be removed within 48 hours of identification, or once Owner's Consent has been obtained. Graffiti incidents can be report via Waverley's Call Centre on 02 9083 8000 or online through the Waverley website.

4.3 Graffiti Removal Program

Council's graffiti removal program involves routine inspections and removal, and site-specific removal in response to requests. The program aims to prevent recurrence of illegal graffiti through rapid removal, thus removing recognition sought by the vandal. The program also focuses on the expediated removal of offensive graffiti.

4.4 Priority Zones

Priority zones include streets that are subject to high pedestrian traffic and tend to be main arterial roads and thoroughfares. These streets generally attract large amounts of frequent graffiti and poster incidences. Priority zones are inspected every 48 hours and graffiti is removed within 48 hours of identification or owner's consent being obtained.

4.5 Routine Zones

Routine zones are suburban streets and laneways that are not subject to high pedestrian traffic or large amounts of graffiti and posters. Graffiti is removed within 14 days of identification or owner's consent being obtained.

4.6 Graffiti Removal Methods

Removal/paint cover up is carried out on a case-by-case basis, depending upon the medium used and the surface it has been applied to. Council's graffiti officer carries out an inspection to determine if removal using chemicals and/or pressure cleaning is required, or if paint cover up is the appropriate method.

Paint cover up is completed by Council's graffiti removal officer by using the closest available paint colour match as possible. Council acknowledges due to the colour changing properties of paint with age an exact match is not always possible. Council is responsible for applying paint to cover the applied graffiti only. Entire area repair due to colour variations is the responsibility of the property owner.

Council takes extra precaution in the removal of graffiti from structures which are environmentally sensitive or of heritage significance.

Council will not remove non-offensive inaccessible graffiti. Instead, Council will notify the landowners in writing of the need for the owner to remove the graffiti from their premises to discourage further attacks, and to take away the recognition that graffiti vandals seek.

4.7 Offensive Graffiti Removal

Council aims to remove all offensive graffiti within 24 hours of (a) identification (if it is accessible from the public domain) or (b) consent from the owner or occupier of private land being obtained (if it is inaccessible from the public domain).

For offensive graffiti within inaccessible areas and subject to agreement with the owner or occupier of the private land, Council may seek to arrange prompt removal. Council will aim to recoup any costs from the landowner.

4.8 Hoardings, Abandoned Buildings and Shopfronts

Hoardings are usually used as physical barriers around construction sites while work is in progress. Hoarding permit holders are responsible for the removal of all graffiti from hoardings. Council does not remove graffiti or posters from hoardings.

Abandoned buildings and shopfronts can attract excessive graffiti requiring constant removal activity, often for extended periods when they are not appropriately maintained. Where abandoned

buildings or shopfronts attracting excessive graffiti are identified, Council will contact the property owner directing that the structure be maintained free of graffiti.

4.9 Posters, Notices and Art

4.9.1 Community Posters and Notices

Community posters and notices include those events such as school fetes, markets, garage sales or missing persons/animal notices.

To allow the community to display community posters and notices, Council provides several community noticeboards in its libraries and community centres. These noticeboards are managed by each facility and are available for the community to display posters and notices of a community interest.

4.9.2 Poster Pillars

Bill posters are generally of a commercial nature and are often posted in an uncontrolled manner without permission from the asset owner. Posters are removed within 48 hours of being identified. Council has installed poster pillars on popular city streets to provide a legal site for the community and businesses to place posters. Poster pillars operate on a first come, first served basis, with posters removed weekly.

A list of pillar locations is available on Waverley's website.

4.9.3 Public Art

Public art enlivens our streets, parks and public places forming an important part of Waverley's character. Waverley contains many public artworks by artists of national and international significance.

Council's graffiti removal officer will liaise with Council's Co-ordinator, Curator and Visual Arts, to determine if an incident of graffiti would be classified as public art.

Further information can be found in Council's Public Art Policy.

4.9.4 Electoral Material

Council will remove and impound any electoral material that does not comply with section 184 of the *Electoral Act 2017* or poses a safety risk to the public.

Council will contact the candidate to advise that material has been removed and where it can be collected from.

4.10 Enforcement of Graffiti Laws

Engaging in Graffiti, including damaging or defacing property, is an offence under the *Graffiti Control Act 2008*. While Waverley is responsible for the removal of Graffiti as outlined in this policy, the NSW Police is the agency responsible for enforcement and prosecution in relation to Graffiti offences.

Council subscribes to the Australian Graffiti Register (AUSGR) which allows sharing of critical graffiti tag and photographic data between its subscribers, assisting with tracking down and prosecuting serial graffiti offenders.

Under the *Protection of the Environment Operations Act 1997*, bill posting is considered illegal because it is a form of pollution. If caught in the act of placing advertising material in a public place, Waverley Rangers can issue on the spot fines to those persons who are placing the posters.

5. Review of Policy

This policy will be reviewed every three years or as required in the event of legislative changes or requirements.

Council staff and members of the public may provide feedback about this document by emailing info@waverley.nsw.gov.au

6. Definitions

Term	Definition
<i>Accessible Property</i>	Fixed property assets that are easily reached from a public place. Graffiti can be removed from accessible property without the consent of the owner/ occupier in accordance with section 12 of the <i>Graffiti Control Act 2008</i> . For the purpose of graffiti removal, accessible property is an area 3 metres in height and 3 metres in depth from a public place.
<i>Graffiti</i>	Any unlawful inscription, word, figure, or word design that is marked, scratched, drawn, sprayed, painted, pasted, applied or otherwise affixed to a surface of an asset, including posters, notices, stickers and bill posters visible from a public place.
<i>Hotspots</i>	Areas known to be regularly targeted by graffiti vandals.
<i>Inaccessible Areas</i>	For the purpose of graffiti removal, inaccessible property is an area greater than 3 metres in height and/or depth from a public place.
<i>Non-Accessible Property</i>	Fixed property assets which Waverley requires owner's consent to enter the property in order to carry out graffiti removal works. These areas are not easily accessible from the public place.
<i>Offensive Graffiti</i>	Graffiti, which is of a racial, discriminatory, sexual, or personal content. This also includes graffiti on memorials and culturally significant sites.
<i>Owner's Consent</i>	The consent required from the owner/occupant to remove graffiti from property in accordance with section 11 of the <i>Graffiti Control Act 2008</i> .
<i>Paint Cover Up</i>	The use of paint on a previously painted surface to cover incidents of Graffiti.

<i>Priority Zones (48 Hour)</i>	Main streets that are inspected every 48 hours to identify incidents.
<i>Public Place</i>	A place or part of premises that is open to the public or is used by the public whether or not on payment of money or other consideration, whether or not the place or part is ordinarily so open or used and whether or not the public to whom it is open consists only of a limited class of persons but does not include a school.
<i>Routine Zones (weekly)</i>	Suburban streets that are known hotspots that are inspected weekly to identify incidents if graffiti for removal.
