

Graffiti Management Policy



A Community Partnership

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Introduction

1.1 What is Graffiti?

Graffiti is not a new phenomenon. The term 'graffiti' refers to an activity which has a long history and which has taken various forms. The word 'graffiti' derives from the ancient Greek (*γραφο*, meaning 'to write') and from Latin (*graffito*, meaning 'scratch'). It is commonly understood to mean writing on walls. Graffiti was practiced in both ancient Greece and Rome (examples have been found at Pompeii and Herculaneum), and was also common in the early modern, medieval and Elizabethan periods.

In contemporary times, graffiti takes a number of forms including:

- Hip hop
- Tagging
- Political graffiti
- Stencils
- Legal Graffiti

1.2 Who writes Graffiti?

There has been significant investigation into the cause and generation of graffiti over the last thirty years. Graffiti has become a social issue with its wide spread impact on public and private infrastructure in developed cities across the world. While graffiti is often done by teenagers there is evidence that writers with an aptitude for the activity will continue the activity into their 20s and 30s. Tagging is most frequently done by teenagers while stencilling and slogan writing is often done by older individuals.

1.3 Why is Graffiti a problem?

In recent times the extent of graffiti in the public domain has increased dramatically. The impact on the streetscape is significant and deleterious to local amenity, although a minority would consider some forms of graffiti as public art. Scientific analysis of social impacts associated with graffiti have identified that a social problem exists as a result of community perception with graffiti and its linkage to the fear of crime. These investigations have also identified that in locations where there is significance incidence of graffiti there is community concern over the general indifference of local authorities towards community well being and the presentation of safe public places.

As a consequence to these community concerns all states and territories within Australia have introduced graffiti legislation in an attempt to control the problem.

1.4 Relevant Legislation

1.4.1 Graffiti Control Act 2008

Graffiti Control Act 2008 proclaimed on 10 February 2009. This Act provides Councils with the power to remove graffiti where the graffiti can be seen and

accessed from a public place. The removal of graffiti from private property is set out in Part 4 of the Graffiti Control Act.

Section 11 empowers council with the agreement of the owner or occupier to carry out graffiti removal work on private property.

Section 12 empowers council to carry out graffiti removal work without agreement of the owner or occupier. The conditions for which this may occur are:

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 sub-section 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 sub-section 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.
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.

Section 13 requires a register to be kept of graffiti removal work. The conditions for this section are:

- a) A local council must keep a register of graffiti removal work carried out in accordance with this part.
- b) The register is to specify in respect of each incidence of graffiti removal work carried out:
 - a. The owner or occupier of the premises on which the graffiti was situated, and
 - b. The nature of the work carried out, and the actual cost, or an estimate of the cost at current market rates of carrying out the work, and
 - c. In the case of graffiti removal work carried out in accordance with Section 11 the actual amount charged by the local council for carrying out the work.

Part 2 of the Act deals with graffiti-related offences. The placement of graffiti on public or private property without consent is illegal in NSW. Damaging or defacing property by means of chalk, paint, felt tip markers or other materials is an offence. This offence is reported by the NSW Police Service as malicious damage.

Graffiti-related offences dealt with under this Act include:

1. Damaging or defacing property by means of graffiti implement.
2. Possession of graffiti implement.
3. Posting bills and other marking offences.

Under this Act it is illegal for anyone to sell spray paint cans to persons under the age of 18 and Police have the power to seize spray paint cans from minors.

2. Scope and Objectives

This document represents Council's policy for management and treatment of graffiti within the Waverley Council local government area including property owned by Council, private property and property owned by other government departments and agencies.

The objectives of this policy are to:

- Reduce the social, environmental and economic impact of graffiti throughout Waverley Council
- Identify locations and processes for the placement of legal graffiti in public places.
- Provide information and support to other groups and individuals who are removing and reporting graffiti
- Divert and discourage those who may have a predilection towards graffiti
- Introduce and promote a centralised system to coordinate the removal of graffiti within Waverley Council

3. Policy Principles

Waverley Council has identified and endorses the following policy principles:

- Council believes that unauthorised graffiti detracts from the visual amenity of the public domain
- Council views any unauthorised drawing, names, words or marks on public buildings, infrastructure or private property as illegal
- Council views *billposting* as a form of graffiti
- Council will work in partnership with key stakeholders to identify appropriate locations and processes for the placement of legal graffiti as one element of public art
- Council believes that the prevention and removal of graffiti is the responsibility of all levels of government as well as private residents, businesses and utility owners
- Council is committed to the apprehension and prosecution of graffiti vandals and where possible will use the law to prosecute those who perpetrate acts of graffiti in Waverley
- Council recognises that it must use its position to provide leadership in the management of graffiti within Waverley. As such Council will look to form partnerships with other stakeholders to assist in the elimination of graffiti throughout the public domain of Waverley
- Council is committed to a program of systematic inspection and the rapid removal of graffiti from Council owned property
- Council accepts that while it does not have sufficient resources to remove graffiti from non-council owned property, it will lobby, assist and encourage other parties to remove graffiti from their property including public authorities and other government departments
- Council recognises that its approach to graffiti needs to be managed systematically and to achieve this Council will introduce a Graffiti Management Plan

4. Graffiti Management Plan

Graffiti is a complex social problem that has permeated most western cultures. Research has established that a four pronged approach appears to be successful within the Australian environment. Waverley's Graffiti Management Plan utilises the four following strategies in addressing the problem of graffiti:

- Prevention
- Protection & Removal
- Community Awareness, Involvement and Education
- Prosecution

4.1 Prevention

4.1.1 Environmental Design

Council will use its planning powers to assess development proposals to ensure that they incorporate measures such as protective coatings, security lighting, landscaping and passive surveillance to reduce potential graffiti sites.

Council's Planning & Environmental Services Department will investigate the prescription of anti graffiti measures in Development Approvals.

Council's Planning & Environmental Services Department will encourage and advise property owners of the use of environmental design to help eliminate graffiti sites including the use of alternative finishes and/or lattice.

Council will utilise landscaping and design measures to eliminate graffiti sites from its properties.

4.1.2 Diversion of Potential Offenders

Council's Recreation, Community & Customer Service Department will continue to develop and promote recreation and personal development activities for youth in an attempt to positively involve youth in the Waverley community.

Council's Recreation, Community & Customer Service Department will investigate opportunities for local youth involvement in public art projects.

4.1.3 Cooperation and Partnerships

Council will discuss the provision of an *at cost* graffiti removal services with the relevant Chambers of Commerce and prominent businesses within Waverley.

Council will offer an *at cost* graffiti removal service to government departments and agencies.

Council will offer an *at cost* graffiti removal service to owners or occupiers of private property within Waverley.

Council will work with key stakeholders to identify appropriate locations and processes for the placement of legal graffiti in Waverley.

4.2 Protection and Removal

4.2.1 Removal from Council owned properties

Council will introduce a program of graffiti and bill poster removal as detailed in the attached Graffiti and Bill Poster Removal Protocol (Appendix A).

Council will act to remove offensive graffiti or on a site of significance within two working days of the reporting of the graffiti incident.

Council will apply protective coatings to Council owned buildings where the treatment is considered to be appropriate and cost effective.

Council will assess security arrangements including the use of security patrols and/or equipment in areas with high incidence of graffiti.

Council will support community participation events focused at the removal of graffiti from the public domain.

4.2.2 Removal from non Council owned property

Council will seek agreement and cooperation from transport, electricity and other agencies to include their infrastructure within Council's removal programs at their cost.

Council will investigate the provision of graffiti removal services for non-council owned property using Council in-house service team or external contractors. It is anticipated that Council will be able to provide lower costs to private property owners through *economies of scale* and tendered pricing.

Council will develop a graffiti removal kit to be available for sale to property owners to remove minor levels of graffiti.

Council will introduce a standard condition of consent requiring the removal of graffiti from hoardings on Construction Sites within 5 working days at full cost to the developer.

At the discretion of the General Manager Council may intervene to remove graffiti from private property where the graffiti is grossly offensive in nature and removal is necessary to prevent public concern.

4.2.3 Auditing and Surveillance

Council will continue to perform regular audits on its own properties to identify graffiti hot spots.

Council will continue to utilise the Australian Graffiti Register (AUSGR) database or similar to enable the analysis of graffiti incidents within the Waverley area.

4.3 Community Awareness, Involvement and Education

Council will continue to support ratepayers, businesses and community groups through information gathering, information sharing and directing coordinated efforts to address graffiti.

Council will actively support and promote NSW State Government initiatives in respect to graffiti management.

Council will continue to promote legal graffiti as an important element of Public Art.

Council's Recreation Community and Customer Service Department will develop and conduct education initiatives in regard to graffiti management involving the whole community.

4.4 Prosecution

Council will work with the NSW Police Service to identify and apprehend perpetrators of graffiti.

Council will seek legal advice in relation to the prosecution of individuals apprehended in relation to applying graffiti on Council properties or bill postings within the local government area of Waverley.

Appendix A

Graffiti and Bill Poster Removal Protocol - 2014

Purpose of Protocol

This Protocol has been developed in order to implement the protection and removal strategies of Waverley Council's Graffiti Management Policy. Waverley Council seeks to minimise the incidence of graffiti on both public and private property by prompt removal. Council is cognisant that the graffiti problem is a community based problem that requires a partnership approach between all levels of government, commercial businesses and private property owners. The Protocol identifies different and appropriate levels of service in connection with graffiti removal from public places. The Protocol has the most rapid response to Council's properties of significance, gateway locations, major thoroughfares and village centres.

High Profile Areas

Council has established that the following precincts will have a 48-hour response standard after notification in respect to the removal of bill posters and graffiti:

Major Commercial Centres

- Bondi Junction
- Bondi Beach Basin

Gateway locations are intersections at

- Oxford Street West (Near York Road)
- Syd Einfeld Drive (at Old South Head Road)
- Cnr Carrington and Macpherson Road
- Cnr New South Head and Old South Head Road
- Cnr Blair Street and Old South Head Road
- Cnr York Road and Darley Road
- Cnr Old South Head Road and O'Brien Street
- Cnr Arden Street and Macpherson Street

Thoroughfares

- Old South Head Road
- Bondi Road Military Road
- Birrell Street
- Blair Street
- Curlewis Street
- Penkivil Street
- Bronte Road
- Carrington Road (Birrell Street to Macpherson Street)
- Macpherson Street
- Arden Street (Macpherson Street to Boundary Road)
- Murray Street

Village Centres

- Bronte commercial centres, comprising Bronte Beach centre, Lugar Street centre and St Thomas Street centre
- Blake Street
- Murriverie Road (cnr Glenayr Avenue and cnr Mitchell Street)
- Charing Cross
- Bondi Road (east and west)
- Old South Head Road centre's (cnr Flood Street, cnr Murriverie Road, cnr The Avenue, Onslow Street to Strickland Street, and Kobada Road to Ocean View Avenue)
- Hall Street
- Fletcher Street
- North Bondi (Mitchell Street)
- Murray Street (cnr Bronte Road and cnr Belgrave Street)

Places of Interest

- Coastal Walk (all areas)

Conservation Zones and Heritage Listed Items

All listed Heritage items and conservation zones will have five (5) working days response standard after notification in respect to the removal of Graffiti.

Graffiti Hot Spots

Council will identify graffiti hot spots. Locations where graffiti is removed six (6) times or more in three (3) months be included on a "Hot Spot" list with a service standard of 48 hours. These listed locations to be added or removed as required utilising the Australian Graffiti Register.

Routine Areas

All other areas of council will have a ten (10) working days response standard after notification in respect to the removal of graffiti.

Graffiti Surveillance

- Council will inspect the High Profile Areas of Council at least twice a week.
- Council will inspect all Routine Areas at least once monthly.
- Council will record on a Graffiti Register all incidences of graffiti noted in its surveillance program.
- Council will record any resident/rate payer complaint registered with Council's Call Centre and inspect the specific complaint within two working days.

Graffiti Removal on Council Properties

- Graffiti placed in High Profile Areas will be treated within 48 hours of notification.
- Graffiti placed in Routine Areas will be treated within ten (10) working days of notification, subject to budget constraints.

Graffiti Removal on Government and Agency Property

- Council will contact the appropriate department or agency and advise them of the graffiti incident within five working days of notification.
- Council will record agency notification date and time.
- Council will offer to treat the graffiti on an *at cost* basis as part of the notification.

Graffiti Removal on Private Property

- Council will remove all graffiti from private property in High Profile Areas after notification in accordance with Part 4 of the Graffiti Control Act 2008. That is, notify owner/occupier that a graffiti removal event has occurred.
- Council will offer to treat the graffiti on an *at cost* basis in all Routine Areas of council. Council will process a formal agreement with the property owner or occupier in accordance with Part 4 of the Graffiti Control Act 2008 prior to taking any action to the removal of the graffiti from private property.

Removal of Graffiti of an Offensive Nature

- Council will remove subject to the approval of the General Manager any offensive graffiti visible from the public domain within 2 working days of notification.

Graffiti Removal Procedures

- All solvents additive 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.

Bill Poster Removal

- Council will remove bill posters located within High Profile Areas within 48 hours.
- Council will remove bill posters located within Routine Areas within five working days.
- Statistical information is to be recorded and forwarded on to Compliance for further follow up.

Appendix B

Graffiti Information Sites

New South Wales Government

NSW Graffiti Information
NSW Department of Local Government
NSW Department of Housing
NSW Department of Public Works & Services
NSW State Rail
NSW Network for Education
NSW Attorney-General's Department of Crime Prevention
Division, Bureau of Crime Statistics and Research

<http://www.graffiti.nsw.gov.au>
<http://www.dlg.nsw.gov.au>
<http://www.housing.nsw.gov.au>
<http://www.dpws.nsw.gov.au>
<http://www.staterail.nsw.gov.au>
<http://www.dse.nsw.edu.au>

<http://www.lawlink.nsw.gov.au>

Local Government

NSW Local Government and Shires Associations
Australian Local Government Association

<http://www.lgsa.org.au>
<http://www.alga.com.au>

Industry

Australian Paint Manufacturers' Federation

<http://www.apmf.asn.au>

Legal Matters

Australian Legal Information
Lawstuff-Australia

<http://www.austlii.edu.au>
<http://www.lawstuff.org.au>

Police

NSW Police Service

<http://www.police.nsw.gov.au>

Crime Prevention Strategies

International CPTED Association
National Crime Prevention

<http://www.cpted.net>
<http://www.ncp.gov.au>

Community Involvement

Community Builders. NSW

<http://www.communitybuilders.nsw.gov.au>

Youth issues and Hip Hop

Youth NSW
Art Crimes: Interviews, Articles and Research
Da'Hub – Aerosol Art Centre
WELCOME TO HIP-HOP.COM!
graffiti verite

<http://www.youth.nsw.gov.au>
<http://www.graffiti.org>
<http://www.dahub.com.au>
<http://www.hip-hop.com>
<http://www.graffitiverite.com>

Legal Graffiti

MuralArt.com

<http://muralart.com>

Appendix C

Glossary of Terms

“**Australian Graffiti Register**” is a national register subscribed to by Council containing sites where graffiti has been placed following identification of the incident by Council officers or notification to Council by members of the public.

“**Bill Posters**” are any sign placed within the public domain without consent. They are typically a paper based posting identifying a specific event (election material associated with an election is not included).

“**Hip-Hop Graffiti**” is the most common form of contemporary graffiti. It involves the typical swirl style of images with the use of vibrant colour. It is often accompanied by a tag.

“**Legal Graffiti**” means any graffiti form that is placed within the public domain with permission or placed on a surface established for the free application of graffiti.

“**Political Graffiti**” commonly involves the writing of a word or phrase in the public sphere with the aim of conveying a social message. It includes racist and political slogans.

“**Public Art**” is any form of approved art or sculpture authorised for placement within the public domain. Legal graffiti forms a sub-element of public art.

“**Stencils**” are generally large pieces of work which utilise cardboard templates or similar materials to place the image on the surface.

“**Tagging**” is the scribble or scrawl used by an individual as their specific graffiti signature. It originally accompanied a piece of hip-hop graffiti but has recently been more prevalent as merely a tag usually associated with the use of spray paint cans.