

Ku-ring-gai Council

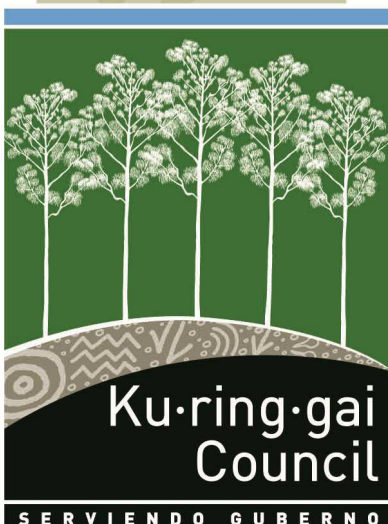
Draft Policy

Graffiti Management

Version Number 1

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Graffiti Management Policy

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Controlled Document Information

Authorisation Details

This is a Controlled Document. Before using this document check it is the latest version by referring to Council's Controlled Document Register. Unless otherwise indicated, printed or downloaded versions of this document are uncontrolled.			
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Related Document Information, Standards & References

Related Legislation:	<i>Local Government Amended (Graffiti) Act 2002</i> <i>Local Government Act Section 67A</i> <i>Graffiti Control Act 2008</i>	<i>Section 11 of the Graffiti Control Act 2008 (NSW).</i> <i>Section 12 of the Graffiti Control Act 2008 (NSW).</i> <i>Local Government Act Section 67A</i> <i>Graffiti Control Act 2008</i>
Related Policies (Council & Internal)	Nil – Policy and resource are new	
Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc	New Risk Assessment, WH&S Safe Operational Procedures will be created	
Other References		

Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	TBC	TBA	Colin Wright	First version

DRAFT

Policy

Purpose and Objectives

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

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

Scope

The aim of the policy is to create and maintain better neighbourhoods for residents, businesses and visitors by effectively preventing and managing graffiti. The scope is to remove unsightly graffiti, which adds to an atmosphere of neglect and urban decay and distorts perceptions about the actual level of crime and safety.

Responsibilities

Ku-ring-gai Council seeks to minimise the incidents of graffiti on both public and private property by prompt removal of graffiti by a Council Operational team.

Objectives

- To enhance the Ku-ring-gai 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 environmental sustainable methods to minimise harm to the environment.

Policy Statement

Graffiti is generally considered illegal and causes intentional damage to private and public property.

Council recognises the importance of developing and maintaining community partnerships to assist in the effort to reduce graffiti. This particularly applies to the reporting of graffiti, the removal of graffiti and the identification of potential graffiti reduction strategies. Graffiti has negative impact on the environment and the community along with a financial impact on Council through the cost associated with removal.

The policy principles are based on the following:

- There are four (4) key elements to minimise the impact of graffiti. These elements include:
 1. Prevention;
 2. Continual removal;
 3. Prosecution; and
 4. Education.
- Council will develop and conduct education initiatives concerning graffiti management involving the whole community.
- Council is committed to rapid removal timeframes and developing the necessary operational procedures to support the timeframes.
- The need for a holistic program that considers a broad range of community interests including removal of graffiti from private property.
- Council will work with the NSW Police Force 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.

Graffiti Reporting

The State Government encourages the community to report incidences of graffiti for removal by contacting

- NSW Graffiti Hotline on 1800 707 125,
- VandalTrak at <https://www.vandaltrak.com/contact-vandaltrak/> or
- Council's website http://www.kmc.nsw.gov.au/I_want_to/Report_or_complain/Graffiti_vandalism

Reported incidents of graffiti will be removed within Service Level Agreement (SLA) for the category of incident including obtaining owner's consent where the incident is on private land.

Graffiti Removal Program

Council's Graffiti Management program involves routine inspections and removal by Council staff and contractors throughout the Local Government Area (LGA). The program aims to eliminate graffiti through rapid removal to prevent the reoccurrence.

Council will take precaution in the removal of graffiti from structures, which have sensitive, or heritage significance and will obtain approval by the relevant authorities prior to commencement of work.

Graffiti removal procedures

An effective strategy against graffiti is to remove it as quickly as possible to minimise the impact on the community.

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.

Graffiti and Bill Posts removal schedule

Main road areas

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 (3) days of identification.

Minor Road areas

“Minor Roads” will be inspected weekly and graffiti be removed within (5) days of identification.

Emergency Removal Capacity (Offensive)

Council will have an emergency graffiti removal capacity that enables Council to organise the removal of particularly offensive graffiti within (6) hours from being reported.

Council Property

Council's assets are to be free of graffiti because of the Graffiti Management program, reducing the incidents of graffiti with rapid removal strategy and the application of innovative techniques.

Private Property

The removal of graffiti from privately owned, residential, commercial, retail and industrial property assets is carried out subject to consent from property owners / occupiers as required.

Council will notify owners of graffiti removal work in accordance with Section 11 of the *Graffiti Control Act 2008 (NSW)*.

Council may remove graffiti from publicly accessible private property where the graffiti can be seen and accessed from a public place without the consent of the owner / occupier, in accordance with Section 12 of the *Graffiti Control Act 2008 (NSW)*.

Government and Agency Property

Graffiti removal, which is outside Council's responsibility, will not be removed.

Council will notify the relevant agency such as Australia Post, Telstra, Energy Australia etc. to take appropriate action.

The Law Prosecution

Graffiti is illegal in New South Wales. Damaging or defacing property is an offence under the *Graffiti Control Act 2008 (NSW)*.

NSW Police is the agency responsible for enforcement and prosecution in relation to graffiti offences.

Graffiti offences are reported by NSW Police as malicious damage.

Graffiti Register

Council will keep and maintain a Graffiti Register for all graffiti removal work conducted by Council in the LGA, in accordance with Section 11 of the *Graffiti Control Act 2008 (NSW)*.

Community Awareness Involvement and Education

Council plans to reduce graffiti within the LGA through a mix of:

- education,
- engagement,
- artistic opportunities,
- enforcement, and
- quick removal

while encouraging the production of quality street art by forging strong partnerships with stakeholders.

Council will continue to support ratepayers, business and community groups through:

- information gathering,
- information sharing, and
- directing coordinated efforts to address graffiti.

References

Graffiti Control Act 2008 No 100

Local Government Amended (Graffiti) Act 2022

Local Government Act Section 67A

Review

This Policy will be reviewed every two (2) years or as required in the event of legislative changes. It may also be changed as a result of other amendments to NSW Laws.

Any amendment to the Policy must be by way of a Council Resolution or the approval of the General Manager.

Definitions

Term / Abbreviation	Definition
Graffiti	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 Asset and includes any remnants of same such as adhesives, glues, tape, shadows or colour variations remaining after removal.
<i>Graffiti Control Act 2008 (NSW) as amended</i>	An Act with respect to the minimisation and control of Graffiti.
<i>Non-Public Accessible Private Property Assets (NPAPP)</i>	Means structures and assets not vested in the Crown nor owned by Ku-ring-gai Council that are on private lands as defined by the Act.
<i>Public Accessible Private Property (PAPP)</i>	Means structure and/or assets not vested in the Crown nor owned by Ku-ring-gai Council that are on private land as defined by the Act. Graffiti on this land is visible from a public place and can be accessed and/or reached from a public place.
Owner's Consent	Means the consent required from the owner/occupant in order to remove graffiti from NPAPP in accord with Section 11 of the <i>Graffiti Control Act 2008</i> .
Main Roads	Main Roads areas contain streets subjected to high pedestrian traffic and tend to be the main gateways and thoroughfares in the LGA. For the purpose of this policy, all the streets classified as "State Road" and "Regional Road" in Road and have Transport Authority's classification will be treated as main roads.
Public Art	A form of approved art or sculpture authorised for placement within the public domain. Legal graffiti forms a sub-element of public art.