

# **Attachment B**

## **Graffiti Management Policy**

# Graffiti Management Policy

## Purpose

The City of Sydney (the City) seeks to minimise the impact of graffiti incidents on public and private property through prompt removal, whilst providing legitimate avenues for the expression and dissemination of community information and artwork or street art.

The purpose of the Graffiti Management Policy is to establish an effective and cost-efficient graffiti removal service in the City of Sydney local government area and to outline the framework for the display of art, posters and community notices.

## Scope

This policy applies to graffiti management on public and private property within the City of Sydney local government area.

Term	Meaning
Accessible Property	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 Graffiti Control Act 2008.
Graffiti	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.
Murals and street art	Art that is painted, marked or otherwise affixed to the outside of a building or structure and that is visible from a public place, which has the approval of the owner of the building on which the art is located, and of any relevant statutory authorities. Murals and street art cannot project more than 30mm from a wall or other surface, cannot be a sign or advertising and must not contain material that discriminates against or vilifies any person or group, or is offensive or sexually explicit. It does not include repainting a building.
Character precincts	Areas designated for display of community posters and notices including those with social, political, and environmental content or those which relate to events such as school fetes, markets, garage sales or missing persons / animals' notices.
Non-Accessible Property	Fixed property assets for which the City requires Owner's Consent to enter the property in order to undertake graffiti removal works.
Owner's Consent	The consent required from the owner/occupant in order to remove graffiti from Non-Accessible Property in accordance with Section 11 of the Graffiti Control Act 2008.
Priority Zones (24 Hour)	Main streets that are inspected every 24 hours to identify incidents of graffiti for removal.
Routine Zones (Weekly)	Suburban streets that are inspected weekly to identify incidents of graffiti for removal.

## Policy Statement

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. Graffiti also impacts the community and the City 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.

The intended outcomes of this policy are to:

- Minimise the number of Graffiti incidents on both public and private property
- Ensure the prompt identification and removal of Graffiti
- Provide legitimate opportunities for the expression and dissemination of community information and art

## Reducing Graffiti

The City encourages the community to report incidences of graffiti for removal. Where possible, reported incidences will be removed within 24 hours of identification, or once Owner's Consent has been obtained. Graffiti incidents can be reported via the City's Call Centre on 9265 9333 or online through the City of Sydney website.

## The City's Graffiti Maintenance Program

The City's intensive Graffiti Maintenance Program involves routine inspections and removal by City contractors and site-specific removal in response to requests. This program aims to prevent recurrence of illegal graffiti through rapid removal, thus removing recognition sought by the vandal.

Graffiti removal is carried out on a case by case basis, depending upon the medium used and the surface it has been applied to. The City's contractors carry out inspections to determine the best removal method and often will undertake a small removal test area first. The most appropriate removal method is then identified and may include hand removal or use of high-pressure water, with sensitive cleaning products or colour matched to paint out the graffiti.

The City takes extra precaution in the removal of graffiti from structures which are environmentally sensitive or of heritage significance. Residents are requested to notify the City if they are aware of the heritage or environmental value of a structure requiring graffiti removal.

The City's Graffiti Maintenance Program was developed in accordance with the Graffiti Control Act 2008 and complies with all its requirements. The Program includes the removal of graffiti located above ground level within three metres of any Council owned, maintained, or serviced- road, street, lane or highway, park and visible from public place without the agreement of the owner or occupier. The City will notify owners of property where graffiti is removed within five days.

Graffiti removal which forms part of the City's program from privately owned, residential, commercial, retail and industrial property assets where it cannot be removed from a public place, is carried out subject to consent from property owners/occupiers, as required.

Graffiti removal from Accessible Properties and Non-Accessible Properties is carried out at the City's expense. Graffiti removal which is outside of this City's Graffiti Maintenance Program will not be removed by the City and is to be removed by the property owner at their expense.

## Graffiti Removal Schedules

Graffiti is inspected and removed based on the following zones and frequencies:

### 1. Priority Zones (24 hour)

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 24 hours and graffiti is removed within 24 hours of identification or Owner's Consent being obtained. The only exception is relating to community posters and notices as detailed below.

### 2. Routine Zones (weekly)

Routine Zones are suburban streets that are not subject to high pedestrian traffic or large amounts of graffiti and posters. Routine Zones are inspected weekly and graffiti is removed within 24 hours of identification or Owner's Consent being obtained.

### 3. Poster Zones (range from 1-7 days)

Bill posters are generally of a commercial nature and are often posted in an uncontrolled manner without permission from the asset owner. Identified poster zones have been created due to the proliferation of commercial posters in particular areas. In poster zones, graffiti removal is carried out weekly, while poster removal outside these zones is carried out more regularly depending on the location.

### 4. Scheduled Removals

Graffiti in City managed parks and open spaces is removed within 24 hours of identification.

### 5. Emergency Removal

As part of the City's Graffiti Maintenance Program, the City has an emergency graffiti removal capacity that enables the City to organise the removal of particularly offensive graffiti within four hours from it being reported to the City.

## Posters, Notices and Art

### Election Posters

The display of election campaign posters is a traditional part of the democratic process in Australia. There is, however, some community concern about the impact of campaign posters on the urban environment, particularly when posters are not removed promptly.

NSW parliament elections and local government elections are held on fixed days every four years, and Commonwealth parliamentary elections are generally held every three years. This means that the visual impact of election posters on the urban environment can be minimised.

The City shall not direct resources to removing election campaign posters during the period 14 days immediately prior to a parliamentary or local government election or by-election and seven days immediately following the election, provided that any such posters:

- are in support of a candidate for that election or a party registered to contest that election
- comply with the legislative provisions applying to that election
- are fixed in a manner that is not likely to endanger the public, obstruct road signs or traffic signals or cause damage to property

- are not placed within 200 metres of the Cenotaph in Martin Place and the War Memorial in Hyde Park.

The City shall remove any posters not complying with these conditions or which are displayed outside the periods specified above.

## **Community Posters and Notices**

Community posters and notices include those with social, political, and environmental content or those which relate to events such as school fetes, markets, garage sales or missing persons / animals' notices. In order to allow the community to display community posters and notices, a number of 'character precincts' have been established.

Character precincts allow for extended display of notices and posters in the community interest. General graffiti is removed to the schedules described above in these areas, while community posters and notices are removed only once a week. The character precincts in the city are in the following locations:

- Newtown: King Street, eastern side from Church Street to Union Street
- Glebe: Glebe Point Road from St Johns Road to Toxteth Road
- Broadway: Broadway, northern side from Wattle Street to Harris Street
- Darlington: City Road from Carillon Avenue to Cleveland Street

The City also provides 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 in the community interest.

## **City of Sydney Poster Pillars**

The City 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. There are currently eight pillars across the city in the following locations:

- Darlinghurst - Oxford Street, near Liverpool Street
- Darlinghurst - Oxford Street, near Taylor Square South
- Erskineville - Erskineville Road, near Prospect Street
- Glebe - Bay Street, near Grose Street
- Glebe - Glebe Point Road, near Cowper Road
- Kings Cross - William Street, near Brougham Street
- Kings Cross - Bayswater Road at Darlinghurst Road
- Moore Park - Anzac Parade, near Cleveland Street

For a list of locations of the City's poster pillars, refer to the City of Sydney website.

## **Public Art and Street Art**

Art in public places is one of the indicators of a flourishing cultural life. City Art is the City of Sydney's public art program, and is the City's principal mechanism for commissioning, acquiring, managing and maintaining public art in the City. The City's collection of over 250 permanent art works includes a

number of murals, which are maintained by the City.

For more information about the City Art program, refer to the website [www.cityartsydney.com](http://www.cityartsydney.com)

There are also many murals and many works of street art within the LGA which are not owned or maintained by the City. The artistic and social value of murals and works of street art are recognised as engaging forms of artistic expression that can contribute to the unique character of a place. Murals and street art are visible and accessible art forms, and the City supports lawfully created works in appropriate locations.

Murals and street art are Exempt Development under the Sydney LEP in certain circumstances. All murals and street art located on a heritage item or within a heritage conservation area or a special character area are not Exempt Development and require development consent. For guidelines for commissioning or creating street art, refer to the City of Sydney website.

Murals and street art applied without relevant consent are considered to be unlawful graffiti. If a property owner confirms that owners consent has not been given to unlawful graffiti on their property, arrangements will be made for its removal.

Where new street art is identified, the location is cross referenced with the City's street art register. If the location is not on the register the Director City Services and CEO are notified. The CEO, in consultation with the Lord Mayor, will make a determination regarding removal if required, and the item is either added to the street art register or removed as unlawful graffiti. A copy of the approval to remove process is included an appendix to this Policy.

### **Graffiti Prevention Programs**

The City participates in programs such as the NSW Attorney General's & Justice's Crime Prevention Through Environmental Design program. Through this program, the City has reduced the possibility of graffiti in a number of hotspot areas, either through planting against walls, increased access/visibility and graffiti protective treatments to murals. The City also participates in events that discourage graffiti, such as Graffiti Removal Day.

### **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. The City does not remove graffiti or posters from hoardings (refer to the City's Hoarding and Scaffolding Policy).

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, the City will contact the property owner requesting agreement to maintain the property and assist in reducing the graffiti incidents. This involves an undertaking from the property owner to fix any broken glass or damage and where necessary provide ongoing maintenance to the property. Once this agreement has been made, the City will remove the graffiti or posters and continue to monitor the property as part of normal graffiti inspections.

### **Enforcement of Graffiti Laws**

Engaging in graffiti, including damaging or defacing property, is an offence under the Graffiti Control Act 2008. While the City 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.

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, City Rangers can issue on the spot fines to those persons who are placing the posters. The City has, however, found that prompt removal of bill posters is the most effective deterrent.

**Responsibilities**

The City Services division is responsible for graffiti removal as well as the implementation and review of associated controls. The City’s Health and Building Unit will investigate compliance matters relating to alleged unauthorised Public or Street Art.

Community members may report to the City any items considered to be graffiti.

**Consultation**

City of Sydney Cleansing & Waste, City Rangers, City Greening & Leisure, City Design, Legal Services, and Governance Units were contacted for input to this Policy.

This Policy is placed on public exhibition for community comment prior to its adoption.

**Attachments**

Attachment A – Approval to Remove Process Flowchart

**References**

Laws and Standards
• Graffiti Control Act 2008
• Local Government Act 1993
• Protection of the Environment Operations Act 1997
• Environmental Planning and Assessment Act 1979
• Sydney Local Environmental Plan 2012
Policies and Procedures
• City of Sydney Public Art Policy
• Hoardings and Scaffolding Policy

**Review period**

This policy will be reviewed every 4 years.

**Approval Status**

Council approved this policy on [DD MONTH YEAR].

## Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	May 2013	Approved by Council / Endorsed by the Executive	2012/176335-02
Reviewed	May 2018	Fit for purpose. Minor changes to Graffiti definition, placement of election posters and reference to both Public Art and Street Art. Approved by Council.	2018/081783
Commence Review Date	March 2022	Minor wording changes only, inclusion of procedures for City managed parks and open spaces and removal of one poster pillar location in Haymarket. New template format used	2022/346597
Approval Due Date	(Date, month, year of when the next review of the policy is due to be finalised/ approved)		

## Ownership and approval

Responsibility	Role
Author	Contracts Manager
Owner	Cleansing & Waste Manager
Endorser	City of Sydney Executive
Approver	City of Sydney Council