

## Relevant Information for Council

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**FILE:** X027344.007 **DATE:** 31 March 2023

**TO:** Lord Mayor and Councillors

**FROM:** Veronica Lee, Director City Services

**THROUGH:** Monica Barone, Chief Executive Officer

**SUBJECT:** Information Relevant To Item 7.4 – Post Exhibition - Graffiti Management Policy

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### For Noting

This memo is for the information of the Lord Mayor and Councillors.

### Background

Prior to the Transport, Heritage, Environment and Planning Committee on 27 March 2023, further information was sought on the following:

#### Budget for Graffiti Removal

The cost for removal of graffiti, posters and stickers is incorporated into a contract with Urban Maintenance Systems that also includes cleaning and maintenance of City assets. The City does not charge on a per removal basis. The contract was approved by Council on 14 December 2020 for a period of three years, with the option of two extensions, each of two years.

The number of actual graffiti, poster and sticker removals are part of the contract reporting requirements. Please see the below table for the number of removals per year since 2019/20. Please note 2022/23 is up to end January 2023 only and therefore is only representative of seven months of the year.

Year	Spray paint	Posters/stickers	Texta	Expenditure*
2019-2020	14,750	557,232	15,112	\$3,054,154
2020-2021	13,433	218,914	15,002	\$3,139,532
2021-2022	14,849	147,732	13,035	\$3,299,477
2022-2023	9,722	103,998	4,996	\$2,206,464**

\*The expenditure amounts are the actuals representing the total that includes cleaning of City owned assets, paint spills, poster and sticker removal.

\*\*The expenditure is for the period July 2022 to end of February 2023.

### Poster Pillar Locations and Review

The current poster pillar portfolio was installed over 10 years ago. A review of poster pillar locations will be undertaken as part of the next review of the Sydney Streets Code

Many community centres and libraries do however have shared noticeboards with some capacity for community notices. The City also provides the opportunity for digital notices through the What's on webpage. Community groups also increasingly leverage digital methods of providing notices including via digital mailouts and social media.

### Management of Election Posters in Public Places

The NSW Electoral Commission publishes the following guidelines on display of posters ([weblink](#)).

*During the regulated period, the NSW Electoral Commission regulates the display of posters in two general ways:*

- *whether it complies with requirements about its content, e.g. incorrect or misleading information about voting, that it includes the name and address of the person authorising the material, etc.*
- *whether it has been placed in or on certain places, e.g. posters are not permitted on certain premises, or within 6 metres of venues at which people are voting, etc.*
- *A person must not, during the regulated election period, publicly display or permit or cause to be publicly displayed, a poster consisting of electoral material that contravenes the law.*

*A person must not, during the regulated election period, display or permit or cause to be displayed a poster on or within any premises occupied or used by, or under the control or management of:*

- *the Crown or a NSW Government agency*
- *any council or county council or*
- *on or within any other premises unless the person was the owner or a joint owner of the premises or, performed the act concerned with the permission in writing of the owner or a joint owner of the premises.*

- *Premises includes any structure or building. It may also be unlawful for a person to attach a poster to an electricity or other utility pole without the written consent of its owner, who may take action against the person responsible.*
- *The following exceptions apply to the display of posters:*
- *posters may be displayed on the outer wall, fence or other boundary of the grounds of an enclosure in which a building used for voting is situated*
- *posters may be displayed within the grounds of an enclosure in which a building used for voting is situated*
- *posters may be displayed on a vehicle on a road or road related area (within the meaning of section 4(1) of the Road Transport Act 2013 and*
- *posters may be fixed or attached to a table or stall on a footpath or other public places at any time of day of voting for an election.*

While the NSW guidelines state that posters are not permitted on or within council premises the City's policy includes the following statement:

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.

The rules in relation to displaying election signs on private property are in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). The Codes SEPP permits the display of election signs on private property where the sign meets particular development standards in relation to size, whether it is on a heritage item, and when it can be displayed.

### **Liaison with NSW Police**

The City did not specifically consult with the police for this policy review.

Police act in accordance with the *Graffiti Control Act 2008 (NSW)* – they may choose to liaise with the City on a particular issue but otherwise the City acts in accordance with Section 12 of the Act, as defined in the policy.

Section 12 empowers local councils to remove graffiti on private property without the owner or occupier's consent if the graffiti is visible from a public place. Removal without consent must be able to be carried out from public land and be at the council's own expense.

## **Location of Legal Graffiti Walls in the City**

The City does not have designated graffiti walls in the local government area.

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 <https://www.cityofsydney.nsw.gov.au/development-applications/how-to-commission-create-street-art>

## **Memo from Veronica Lee, Director City Services**

Prepared by: Gemma Dawson, Waste Strategy Manager

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Approved

*P. M. Barone*

**MONICA BARONE**

Chief Executive Officer