



**Holroyd City**  
*Built Around People*

# **HOLROYD CITY COUNCIL**

## **Graffiti Management Plan**

**Adopted by Council on  
6 April 2010**

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## 1.0 INTRODUCTION

### 1.1 *What is Graffiti?*

Graffiti is a form of vandalism. Graffiti vandalism can be described as any wilful writing, drawing or etching placed on private or public property or structures without the consent of the property owner. Graffiti can occur as political statements, slurs, slogans, jokes or individual marks.

Often graffiti vandalism is written in the form of a “tag”. A tag can be likened to the signature or nick name of the person responsible for the graffiti. It can be sprayed, written or etched. The tag may appear to be illegible but each tag has a personal meaning for the graffiti writer.

Graffiti differs from aerosol “street” art. Aerosol art is an artistic style that uses aerosol spray paint to generally achieve a colourful display of elaborate tags and cartoon style characters which is usually legal and placed with consent from the property owner and found in public spaces.

### 1.2 *Why Remove Graffiti?*

Graffiti lowers the level of community pride in the area and increases the prospect of other graffiti, vandalism and crime occurring. If graffiti is removed quickly or its application is deterred it sends a message to the offender that graffiti will not be tolerated and that the local community cares about the amenity of their neighbourhood.

The Holroyd City Council infrastructure, including park fences, amenities buildings, play equipment and Council buildings are all subject to vandalism in the form of graffiti. Graffiti is often found on other public land (State and Commonwealth owned). Private property has become a greater target for graffiti when it is adjacent to public land.

While Council understands that it is difficult to completely eradicate graffiti, this Plan has been designed to minimise the incidence of graffiti and its impact on the Holroyd community.

This Plan is to enhance Council’s response in relation to the management, removal and prevention methods used to deal with graffiti. Community engagement, quick clean up response times and education are the key factors to the Plan’s success.

### 1.3 *Objectives of the Plan*

- To improve the overall appearance of Holroyd by reducing the incidence of graffiti.
- To reduce the social, environmental and economic impact of graffiti.
- To ensure graffiti is removed from public property and public spaces in a quick, effective and targeted manner.
- To engage the community through education and discourage the wilful destruction of Council property which negatively affects the neighbourhood amenity.
- To develop relationships with other stakeholders to reduce the incidence of graffiti and assist in graffiti removal. Examples of other stakeholders include the community, State Government, Police, Rail Corp, Telstra, Sydney Water, RTA and Integral Energy.

- To remove graffiti using environmentally sustainable methods to minimise harm to the environment.
- To develop affordable means of assisting the community to take a proactive approach to the removal of graffiti from private property.

#### 1.4 Definitions

For the purpose of the Holroyd City Council Graffiti Management Plan:-

*The Act* – means the NSW Graffiti Control Act 2008.

*Graffiti* – means any unauthorised inscription, word, design or graphic that is marked, etched, scratched, drawn, sprayed, painted, pasted, applied or otherwise affixed to or on any surface on public buildings, infrastructure, transport or private property.

*Graffiti Register* – means the register that is required to be developed and maintained in accordance with Section 13 of the Act.

*Writer* – the person who creates or writes graffiti.

*Tag* – a signature of the graffiti artist. They can be created by spray paint, markers, scratching or etching.

#### 1.5 Legislation

##### ***Graffiti Control Act 2008***

The Act commenced in early 2009. The Act is the result of a review of all graffiti-related legislation in NSW. The Act is divided into 5 parts consolidating graffiti controls which were previously found within the Local Government Act 1993 and the Summary Offences Act.

Council has prepared this Graffiti Management Plan to respond to Council's responsibilities under the Act.

Parts of the Act	Specific Section of the Act
<b>Part 1</b> – Preliminary	The preliminary sections including the definitions and name of the Act.
<b>Part 2</b> – Offences	<p>Fines and/or imprisonment can be enforced for many of these offences.</p> <p><b>Section 4 – Damaging or defacing property by means of graffiti implement</b> – a person must not, without reasonable excuse, wilfully damage or deface any premises or property by means of any graffiti implement.</p> <p><b>Section 5 – Possession of graffiti implement</b> – a person must not have any graffiti implement in their possession where it is intended to be used to damage or deface premises or other property.</p> <p><b>Section 6 – Posting bills and other marking offences</b> – a person must not affix a placard or paper on any premises; or wilfully mark, by means of chalk, paint or other material, any premises, so that the placard, paper or marking is within view from a public place unless the person first obtained the consent of the owner or occupier.</p>
<b>Part 3</b> – Responsibility of Retailers	The Act states that a person who sells spray paint to a person under the age of 18 years is guilty of an offence. The Act also outlines requirements of retailers to secure spray paint cans.
<b>Part 4</b> – Removal of Graffiti by Council.	<p><b>Section 11 - Graffiti removal work – by agreement with owner or occupier</b> – a local council may, by agreement with the owner or occupier of any private land, carry out graffiti removal work on the land.</p> <p><b>Section 12 – Graffiti removal work – without agreement of owner or occupier</b> – 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.</p> <p>The graffiti removal work referred to in subsection (1) may only be carried out from a public place. The local council concerned is to bear the cost of graffiti removal work.</p> <p>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. A local council must pay compensation for any damage caused by the council in carrying out graffiti removal work in accordance with this section.</p> <p><b>Section 13 – Register of graffiti removal work</b> – a local council must keep a register of graffiti removal work carried out in accordance with this Part.</p> <p>The Register is to specify in respect of each incidence of graffiti removal work carried out:-</p> <ol style="list-style-type: none"> <li>(a) the owner or occupier of the premises on which the graffiti was situated, and</li> <li>(b) the nature of the work carried out, and</li> <li>(c) the actual cost, or an estimate of the cost at current market rates, of carrying out the work, and</li> <li>(d) 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.</li> </ol>
<b>Part 5</b> - Proceedings	Notice of offences, penalty notices and regulations.

### ***Local Government Act 1993***

The Local Government Act 1993 functioned as an important tool in the management of graffiti. The provisions under the Local Government Act 1993 which have been consolidated within the Graffiti Control Act 2008 include:-

- graffiti removal work by agreement with owner or occupier (s67A) – now section 11 of the Graffiti Control Act 2008.
- graffiti removal work without agreement of owner or occupier (s67B) – now Section 12 of the Graffiti Control Act 2008.
- register of graffiti removal work (s67C) – now Section 13 of the Graffiti Control Act 2008.

Under the Local Government Act, the following offences will continue to apply to graffiti management:-

- defacing or likely to deface public bathing place (s631) – maximum penalty is 10 penalty units (\$1,100), or penalty notice of \$220 (under Schedule 12 of the Local Government (General) Regulation 2005).
- wilful defacing of notices or signs erected by a council (s667) – maximum penalty is 20 penalty units (\$2,200).

### ***Summary Offences Act 1988***

Most graffiti related offences in NSW were handled under the Summary Offences Act 1988, Sections 9, 10A, 10B and 10C. These Sections have been consolidated within the Graffiti Control Act 2008 which controls the retail sale of spray paint cans and the possession of spray paint cans by persons under the age of 18 years.

### ***Orders under the Environmental Planning and Assessment Act 1979***

Council may also utilise Division 2A – Orders of the Environmental Planning and Assessment Act 1979 in order to achieve the removal of graffiti from privately owned buildings.

Council has the ability to issue an Order No. 4B under Section 121B of the Act to the owner of the premises requiring the removal of the graffiti.

Council does understand that graffiti removal from private property can be costly and as a result has prepared a graffiti removal agreement with private property owners.

## **2.0 POLICY GUIDELINES FOR IMPLEMENTATION**

Graffiti is a complex issue that is most effectively addressed through a multi-layered approach. The Holroyd City Council Graffiti Management Plan utilises the following four strategies in addressing the problem of graffiti:-

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

## 2.1 Protection and Removal

### *Graffiti Register*

Section 13 of the Act requires Council to develop and implement a Graffiti Register. Council has a Graffiti Register as part of this Management Plan to record graffiti incidents and provide regular reporting to the local Police, Council and the community.

The Graffiti Register will specify for 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*
- (c) *the actual cost, or an estimate of the cost at current market rates, of carrying out the work, and*
- (d) *in the case of graffiti removal work carried out in accordance with Section 11 of the Act – the actual amount charged by the local council for carrying out the work.*

The Register will provide Council with information to assist regular reporting. All personal information gained by Council as part of the Register will be protected and will not form part of any Council reporting.

### *Reporting Graffiti*

- A person may contact Council's Customer Service to report incidences of graffiti or request removal.
- Police should also be notified by the person.

### *Inspection and Removal of Graffiti on Public Property*

- High profile areas such as commercial precincts, major parks and high use pedestrian areas will be inspected by Council staff weekly. Identified or reported graffiti will be removed within 5 working days.
- Other general areas will be inspected routinely and graffiti which is identified or reported will be removed within 10 working days.
- Offensive graffiti such as racist or defamatory graffiti will be removed within 24 hours, or next available working day, of it being identified or reported.
- Graffiti on prominent sites or sites of significance, such as war memorials, will be removed within 24 hours, or next available working day, of it being identified or reported.
- Council will support community participation events focused on the removal of graffiti from the public domain.

*Graffiti Removal from Government or Agency Property*

- Council will contact the appropriate department or agency and advise them of the graffiti incident within five (5) to seven (7) working days of the incident being identified or reported.
- Council will contact the appropriate department or agency and advise them of all offensive graffiti incidents within 24 hours, or next available working day, of the incident being identified or reported.
- Council will offer to treat the graffiti at a cost as part of the notification.

*Graffiti Removal from Department of Housing Properties*

- Council will liaise with the Department of Housing to respond to graffiti incidents.

*Hoardings and Construction Fencing*

- Hoarding permit owners are responsible for the removal of graffiti and billposters from hoardings.

*Emergency Removal Capacity*

- As part of this Management Plan Council has an emergency graffiti removal capacity that enables Council to organise the removal of particularly offensive graffiti which may incite public unrest within one (1) working day from being reported to Council.
- Should the graffiti be located on any agency building/infrastructure or private property Council will contact the property owner and make arrangements for the immediate removal of the graffiti.

*Graffiti Removal from Heritage Items*

Particular care must be taken when dealing with heritage items to avoid damage to the item. The person/s seeking to remove graffiti from a heritage item must prepare a plan for removing the graffiti and a removal process in accordance with the proper techniques.

*Billposter Removal*

Billposters are considered to be vandalism. Posters are usually located on highly visible private property without owner's consent. The Act identifies billposters as a form of graffiti.

- Council will remove billposters located within the public domain. Council will undertake billposter removal generally once per week.
- In order to minimise billposters in the future Council will register the billposter's details and the location of the billposter on the Graffiti Register to support any future legal proceedings.

### *Reward Scheme*

A reward scheme of \$2,500 for information leading to the conviction of any person committing wilful damage including graffiti has been implemented in partnership with the Police. Information should be provided to the Police.

### *Removal of Graffiti from Private Property*

Private property includes structures and assets, not vested in the Crown or owned by Holroyd Council, on private land as defined by the Local Government Act 1993. Graffiti on this land must be prominent and clearly visible from a public place yet inaccessible from a public place. Removal of such graffiti can only occur with the owner's consent.

In relation to the following:-

- Fencing abutting parks, reserves and walkways. Council will remove graffiti from these at no charge as Council has an interest in the asset.
- Private fencing abutting road reserves. Council will remove graffiti from these at no charge as Council has an interest in the asset.
- Shop fronts. This is considered to be the responsibility of the traders/owners to remove graffiti and Council can provide advice on removal techniques or charge for the removal. If the owner requires Council to remove the graffiti, this will be done once written consent (Appendix B) from the owner has been received, within 5 to 10 working days.

Council will remove graffiti which is obscene, racist or defamatory and accessible from public land including shop fronts within 24 hours, or next available working day, of consent being obtained from the owner, with no fee charged.

In some instances Council may choose to enforce the provisions of the Act and remove graffiti that is visible and accessible from a public place without obtaining owners consent. Photographic evidence will be taken before and after the removal and maintained along with the Graffiti Register.

Under Section 11 of the Act "*a local council may, by agreement with the owner or occupier of any private land, carry out graffiti removal works on the land*".

Council may remove graffiti from private property however graffiti removal may be damaging to building surfaces, fixtures and fittings. To address this issue Council has prepared an agreement between Council and the private property owner and/or occupier. The agreement allows Council to remove graffiti from building surfaces, with the consent of the property owner.

Council will make all attempts to avoid any damage as a result of graffiti removal and will tailor graffiti removal to the building and/or fixture and fitting requirements where possible.

**Appendix B** provides a copy of the Graffiti Removal Agreement in accordance with Section 11 of the Act.

**Appendix C** provides a copy of the letter advising of graffiti removal in accordance with Section 12 of the Act.

### *Graffiti Removal from Privately Rented Properties*

If graffiti is located on a privately rented property such as an apartment building Council will notify the property owner or manager to remove the graffiti.

### *Removal Methods*

There are a number of methods to deal with the removal of graffiti. These include chemical cleaner removal, painting over, or mechanical removal such as high pressure water blasting.

It will be to the discretion of Council's Graffiti Crew to determine the appropriate removal method on public property.

A guide to graffiti removal is provided in **Appendix A** for private property owners. An alternative for private property owners is to engage Council to remove graffiti at no cost through a graffiti removal agreement.

*Note: Always read the labels on the graffiti removal products and follow safety directions.*

### *Council Fees*

The following basic rates apply for Council's service to remove graffiti from private property:-

- \$30 per sqm (ex GST) for graffiti removal using chemical; or
- \$20 per sqm (ex GST) for graffiti removal using paint over; or
- \$115 per hour (ex GST)

Council reserves the right to quote each project on its merit at either a per square metre or hourly rate which takes into consideration the requirements of the work.

### *Public Enquiries*

Members of the community can report graffiti incidents to Council on Council's Customer Service Line 02 9840 9840 but should also report the matter to the Police.

## *2.2 Community Awareness, Involvement and Education*

### *Community Awareness*

The Council's Graffiti Management Program will be promoted to residents and ratepayers as part of Council's regular communications.

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

### *Education*

Graffiti offenders are often young people of school age. Council acknowledges that education is the key to addressing the proliferation of graffiti within the local area.

Council will liaise with the Police Youth Liaison Officer and assist in any Anti-Graffiti Education program to local schools.

### *Education for Local Businesses*

As part of the implementation and promotion of this plan Council will prepare and distribute education packages to local businesses.

The education packs will provide information to local businesses about graffiti and its removal. The packs will include information about Council's Graffiti Management Plan, a copy of a

Graffiti Removal Agreement, a list of graffiti removal methods and key contacts list for reporting graffiti incidents to Council and the local Police.

### 2.3 *Prevention through Design*

There are many design and management techniques that can be used to reduce the incidence of graffiti and vandalism. Methods can be used to discourage or limit the severity of graffiti including the use of Crime Prevention through Design principles in building design. The Crime Prevention through Design principles include the following urban design measures to reduce incidents of graffiti.

- *Landscaping*

Using landscaping to limit access to walls as blank canvases. Landscaping can be a barrier due to the density, height and texture which can deter offenders.

Care needs to be taken to ensure that landscaping does not have the opposite effect and become a hiding place for potential vandals.

- *Anti Graffiti Coatings*

Park furniture, brick walls, signs and play equipment can be coated with an anti-graffiti coating. This clear paint-like substance can make it easier to remove graffiti, as it does not allow graffiti paints to soak into the building material. When purchasing furniture/signs anti-graffiti coatings should be considered.

- *Design of Public Furniture and Equipment*

Where appropriate, materials that facilitate the easy removal of graffiti and materials which are difficult to graffiti should be considered in the first instance ie: use materials such as mesh to cover blank walls. Mesh will provide a textured surface that is difficult to graffiti.

- *Murals*

The painting of murals is another effective deterrent for graffiti. Respect for the artistic and creative thought that has gone into the mural acts as a deterrent to graffiti tags. Mural walls that have worked to lower the incidence of graffiti include those around the Merrylands CBD. Consulting young people for designs of these walls will promote an element of ownership.

### 2.4 *Prosecution*

Prosecution is a necessary part of graffiti management to provide a deterrent to potential offenders. Prosecution is not always the answer to reducing incidents of graffiti. That is why Council has included education and community engagement as measures to reduce graffiti.

- Council will liaise with the NSW Police to identify and prosecute offenders.
- Council will seek legal advice applying to the prosecution of billposters within the Holroyd area as required.

### **3.0 MONITORING AND EVALUATING**

It is important to monitor and evaluate the effectiveness of this Plan to identify progress in graffiti management and identify issues that need to be addressed. Council will review this Management Plan every three (3) years to ensure it continues to achieve the objectives of the Plan and address graffiti issues.

#### *3.1 Reporting to Council*

A report from Council's Graffiti Register (AUSGR) will be completed annually and reported to Council to gauge the effectiveness of the Plan.

The effectiveness of the Plan will be measured by the following:-

- The number of graffiti incidents recorded in a set timeframe.
- Response times to the graffiti incidents (ie: the percentage of incidents responded to within a set response time).
- The location of graffiti incidents particularly within priority areas.
- The number of Graffiti Removal Agreements.

#### *3.2 Reporting to the Police*

Council will provide a report of major graffiti incidents to the Police monthly to support Police actions in managing graffiti offenders.

#### *3.3 Reporting to the Community*

Council will report on a regular basis to the community via the Council website about graffiti incidents and the development of the initiatives set out in this Graffiti Management Plan.

## Appendix A Graffiti Removal Methods






<b>Easy Graffiti Removal</b>					
Surface	Step 1	Step 2	Step 3	Step 4	Step 5
 <p><b>Traffic Signs</b></p>	 <p>Apply Methylated Spirits</p>	 <p>Rag</p>	 <p>Wash Off</p>		
 <p><b>Steel &amp; Aluminium</b> <small>(Including Steel Playground Equipment)</small></p>	 <p>Apply Methylated Spirits</p>	 <p>OR</p> 	 <p>Wash Off</p>		
 <p><b>Plastic Garbage Bins</b></p>	 <p>Apply Methylated Spirits</p>	 <p>OR</p> 	 <p>Wash Off</p>		
 <p><b>Plastic Playground Equipment</b></p>	 <p>Apply Graffiti Remover</p>	 <p>OR</p> 	 <p>Wash Off</p>		
 <p><b>Colorbond Fence</b></p>	 <p>Apply Graffiti Remover to SMALL AREA</p>	 <p>Very soft Brush</p>	 <p><b>WARNING</b></p>	 <p>Wash Off Straight Away</p>	 <p>Paint Over</p>
 <p><b>Unpainted Brick</b></p>	 <p>Apply Graffiti Remover</p>	 <p>5 MM</p>		 <p>Wash Off</p>	 <p>Repeat Steps 1-4 until clean</p>
 <p><b>Painted Brick</b></p>	 <p>Paint Over</p>	<p>OR</p>	 <p>Methylated Spirits + soft brush</p>	 <p>Wash Off</p>	
 <p><b>Telstra, RTA Control Boxes</b></p>	 <p>Apply Methylated Spirits</p>	 <p>Rag</p>		 <p>Wash Off</p>	
 <p><b>Footpaths, Besser Bricks</b></p>	 <p>Apply Methylated Spirits</p>	<p>OR</p>  <p>Graffiti Remover</p>		 <p>Wash Off</p>	
 <p><b>Unpainted &amp; Painted</b></p>	 <p>Paint Over</p>				

Chart developed by Blacktown City Council

## Appendix B

### Graffiti Removal Agreement (Section 11 of the Graffiti Control Act 2008)

To:  
Address:

#### **AGREEMENT FOR REMOVAL OF GRAFFITI FROM PRIVATE PROPERTY BY HOLROYD CITY COUNCIL**

Under Section 11 of the Graffiti Control Act 2008 Council may, by agreement with the owner or occupier of any private land, carry out graffiti removal works on the land.

The property located at ..... (the **Property**) has been a target for illegal graffiti.

Graffiti will only be removed by Council if:-

- the graffiti can be seen from a public road, public park or other land the general public is allowed to use.
- graffiti removal can be undertaken safely by a two-person crew without the aid of scaffolding or other specialised lifting equipment.
- graffiti removal can safely be undertaken with limited traffic control equipment that can be reasonably carried in the vehicle being used by the two-person crew.

Council will undertake removal of any graffiti from surfaces on the subject property at a cost of \$..... to the property owner or occupier.

#### **CONDITIONS OF AGREEMENT**

1. Under this Agreement the property owner gives Holroyd City Council authority to remove any graffiti from surfaces on the property.
2. Upon signing this Agreement the property owner will provide Council with any relevant information that may affect Council or the property owner in regard to removal of graffiti from the property. Such information may include paint codes for colour matching purposes or details of any protective coatings previously applied to the agreed surfaces.
3. Whilst every effort will be made by Council to colour match surfaces, Council does not warrant that colours will in fact match.
4. Council will make reasonable attempts to inform the property owner of their intention to remove graffiti from the property prior to commencing any graffiti removal works.
5. Holroyd City Council will use “best practice” to remove any graffiti from the property. However, Council will not be held liable for any damage caused by these practices in the graffiti removal process. To this end, the property owner/occupier agrees that, in the event of damage to the subject property caused by graffiti removal works undertaken by Council, the property owner/occupier (including his/her agents and assigns) waives any right to seek or receive compensation under any act or other provision of law.
6. Holroyd City Council will provide public liability insurance cover for all graffiti removal activities occurring under this Agreement.

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**Signed for and on behalf of Holroyd City Council:-**

Signature: ..... Date: .....

Name (print) .....

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**Signed by the Property Owner:-**

Signature: ..... Date: .....

Name (print) .....

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**Signed by the Property Occupier (if not the property owner):-**

Signature: ..... Date: .....

Name (print) .....

Witness Address: .....

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**Signed by the Witness:**

Signature: ..... Date: .....

Name (print) .....

## **Appendix C**

Sample Letter of Graffiti Removal from private property in accordance with Section 12 of the Graffiti Control Act 2008.

To:  
Address:

### **GRAFFITI REMOVAL**

Please be advised that Council has removed graffiti from your property.

This was carried out in accordance with Section 12 of the Graffiti Control Act 2008 which requires such notification to you.

Please do not hesitate to contact Council's Operations Officer on 9840 9840 should you wish to discuss this matter.

Yours faithfully

Merv Ismay  
GENERAL MANAGER

Per:  
MANAGER ASSETS AND OPERATIONS