



**Burwood** Inc.1874

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

## **GRAFFITI MANAGEMENT POLICY**

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## Purpose

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Burwood Council's Graffiti Management Policy outlines Council's policy in ensuring compliance with the *Graffiti Control Act 2008* (the Act) and the management of graffiti and posters within the Burwood Local Government Area.

Council is committed to maintaining amenities, facilities and public places to ensure a clean, safe and vibrant community by providing a rapid graffiti removal service utilising internal or contracted resources to meet the community expectations.

## Scope

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The Policy applies to Council, Council Officers, the community and relevant stakeholders.

## Definitions

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- Accessible Property – Fixed property assets that are easily reached from a public place.
- Exercise – a function that includes perform a duty.
- Graffiti – Any unlawful inscription, word, figure or word design that is marked, scratched, drawn, sprayed, painted, pasted, applied or otherwise affixed to or on any surface of any assets and includes any remnants of same such as adhesives, glues, tape, shadows or colour variations remaining after removal. It also includes posters, notices, stickers and bill posters.
- Graffiti Implement – means any of the following a) spray paint, b) a marker pen, c) any implement designed or modified to produce a mark that is not readily removable by wiping or by use of water or detergent.
- Graffiti Register – The register that is required to be developed and maintained in accordance with Section 13 of the *Graffiti Control Act 2008*.
- The "Act" – *Graffiti Control Act 2008* No 100.
- Non Accessible Property – Fixed property assets which the Council requires Owner's Consent to enter the property in order to carry out Graffiti removal works.
- Offensive Graffiti – Graffiti as per the meaning above where the graffiti has the intent to be rude, insulting, derogatory, hurtful, discriminative or vilify, which results in a person or members of the community feeling disrespected, resentful, upset or annoyed.
- Owners 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*.
- Premises – includes the whole or any part of a structure, building, vehicle, vessel or place, whether built on or not.
- Private Property – Property assets which Council requires owner's consent to enter the property in order to carry out the graffiti removal works.

## Graffiti Management Policy – Council Property

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- Council will log the Graffiti via the Graffiti Register.
- Council will remove graffiti or bill posters from Council property that is not offensive within five business days.
- Council will remove any offensive graffiti or bill posters that is offensive from Council property within two business days.
- Graffiti that is etched into glass or other materials that is not offensive and is not removable will need to be replaced at the relevant maintenance cycle.
- Graffiti that is etched into glass or other materials that is offensive in nature and cannot be removed will be covered over within two business days and scheduled for urgent replacement.
- Graffiti will not be removed from any location where a risk assessment determines that the work health and safety of Council Officers and/or contractors is placed at an unacceptable risk.

- Where possible Council will place protective coatings on assets to protect against graffiti and vandalism or make cleaning of such assets more effective and less laborious.

### **Graffiti Management Policy – By Consent of Owner or Occupier Private Residential Property \Commercial Property \ Development Site Property**

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- Council will log the Graffiti via the Graffiti Register.
- The owner or occupier agrees to and contacts the Police Assistance Line (PAL) reporting the instance of Graffiti and provide Council with this reference number for Council's records.
- Pursuant to Section 11 of the Act, Council may, by agreement with the owner or occupier of any private land, carry out graffiti removal work on the land.
- Council will make available to residential owners or occupiers a deed of agreement form, which may be entered into with Council for the cleaning of graffiti by Council from private property that is:
  - 1. visible from a public place
    2. may be carried out from a public place
    3. is on surfaces not above 2.4 meters in height from the ground
    4. is not etched into glass or material
    5. where the owner/occupier agrees to providing Council employees, contractors and any sub-contractors indemnity in relation to any suit or liability that may arise from damage to the private land as a result of any acts or omissions whatsoever in connection with the Council, its employees, its contractors and any sub-contractors undertaking the graffiti removal work on the private land
- Council will not remove graffiti that is on a surface above 2.4m in height from the ground.
- Council will not remove graffiti that is etched into glass or other materials.
- Council will make every effort to clean using appropriate products however cannot guarantee that there will not be any shadow or permanent scarring on the cleaned surface.
- Council will make every effort to match the surface colour when painting over graffiti that cannot be cleaned or removed however cannot guarantee the colour will be a perfect match and will only paint sufficiently to cover the graffiti.
- Where the graffiti is located on a commercial, business or development site and the owner or occupier agrees to allow Council to remove the graffiti, Fees and Charges for the cleaning of the graffiti will be applicable and shall be listed on Council's website. These fees and charges will be provided to the property owner or occupier for payment prior to the cleaning of Graffiti.
- Owners of commercial, business or development sites will be encouraged to report the graffiti to their insurer and where the costs exceed their excess lodge an insurance claim.

### **Graffiti Management Policy – Without the Consent of Owner or Occupier Private Residential Property \Commercial Property \Development Site Property**

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- Council will log the graffiti via the Graffiti Register.
- Council will contact the Police Assistance Line (PAL) reporting the instance of graffiti.
- Council will write to the property owner or occupier or strata body corporate if identified advising them of the graffiti identified on their property including the PAL reference number and the preferred option to enter into a deed of agreement with Council to clean the graffiti.
- Where the property owner or occupier does not respond to Council's contact, pursuant to Section 12 of the Act, Council may, without agreement of the owner or occupier of the land, carry out graffiti removal work to the property on that land if the graffiti is:
  1. visible from a public place
  2. may be carried out only from a public place
  3. at the cost of Council to carry out such work
  4. is offensive in nature

- Where Council has carried out graffiti removal work within Section 12 of the Act, Council shall within a reasonable period, give the owner or occupier of the land concerned written notice that the work has occurred;
- Removal of graffiti that is not offensive in nature but meets all the other conditions noted above may be undertaken by Council on the merits of the case.

### **Graffiti Management Policy – Public Authority or Utility Service Provider Assets & Infrastructure**

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- Where Council identifies graffiti on public Infrastructure owned or within the easement of a Public Authority or Utility Service Provider, Council will make every effort to report to the relevant authority or service provider the instance of graffiti.
  1. Ausgrid – for all instances of graffiti on telegraph poles, electricity boxes, sub-stations
  2. Telstra – phone boxes, exchange buildings
  3. Sydney Water – sewer vent stacks, water towers, pumping stations
  4. Australia Post – post boxes, post offices
  5. Transport NSW – traffic signal boxes, traffic lights, railway stations, overhead bridges
- Where possible, the General Manager will enter into memorandums of understanding with Public Authorities or Utility Service Providers to remove graffiti from their infrastructure to agreed timeframes and costs.

### **Graffiti Management Policy – Education**

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- Council will provide educational material on its website related to graffiti removal and reporting.
- Council will participate in and promote Graffiti Removal Days providing education campaigns and resources to community groups, schools and the like in the cleaning of graffiti.
- Council will provide at cost, graffiti removal kits to the community.
- Council will participate in Community Safety Programs raising awareness of graffiti hotspots and education programs.

### **Graffiti Management Policy – Law Enforcement**

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- Council will work with NSW Police and other crime agencies in targeting of graffiti.
- Council will provide access to NSW Police and other crime agencies the data collected in the Graffiti Register.
- Council will collaborate with NSW Police and other crime agencies to target hotspot graffiti areas.
- Council will utilise obvert CCTV recording systems of public spaces for the enforcement and deterrent of graffiti.
- Council may target hotspot locations and any other locations susceptible to graffiti with the use of obvert CCTV recording systems.

### **Related Information/Glossary**

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- *Graffiti Control Act 2008*

### **Review**

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This policy should be reviewed every four years unless governed by legislation.

### **Contact**

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Group Manager Operations, (02) 9078-6163