

GRAFFITI AND VANDALISM REMOVAL

Previous policy number: 2.2.15

Policy Statement

The Town of Mosman Park values its attractive and inclusive public areas, and wishes to proactively maintain these spaces. This policy is to adopt a Council position against unsightly and unwanted graffiti and vandalism which may be viewed by the public, to be actioned through the CEO through delegation under the Graffiti Vandalism Act 2016.

Policy Details

Objective

This policy establishes the principles for the Town of Mosman Park in relation to the removal of unsightly and unwanted graffiti within or on constituted boundaries of all reserves under the care and control of the Town including but not limited to parks, reserves, public access ways and road reserves. This also sets out provision for removal of graffiti visible from public places, but not local government property.

Policy Principles

Increasing, unsightly and unwelcome graffiti is a concern and issue within the community. The Town wishes to retain and demonstrate its commitment to creating an attractive environment and a strong sense of neighbourhood pride by preserving a graffiti-free environment within the municipality, and endorses the following principles:

Ease of Eradication: Graffiti which is removed under this policy whether by staff or a nominated contractor is done free of charge to the aggrieved party, unless otherwise stated, or where prior notice has been given and not actioned sufficiently.

Community Participation in Reduction: The community, staff and elected members are encouraged to adopt a proactive graffiti monitoring approach within the community and are encouraged to report graffiti they observe within the Municipality.

Collaborative: The Town will maintain its commitment in working with other government bodies and businesses to eradicate graffiti.

Policy Guidance

The quick removal of graffiti is intended to:

- Restore the damaged surface, in terms of colour and finish within reasonable efforts, to match its original condition prior to the incident in which the surface sustained the illegal damage;
- Restore the damaged property to its original financial, amenity and aesthetic values, as close to practicable, prior to the incident of damage;
- Detract the perpetrators' sense of fame and achievement through the timely removal of their illegal damage; and

- Discourage further acts of graffiti and vandalism by the same and other potential perpetrators.

All graffiti located on public property or a surface that is on the boundary wall of a public place which is controlled by the Town, will be removed by the Town through an approved graffiti contractor. Examples include private perimeter fences or walls which abut roadways or reserves. These shall be removed in accordance with the following response time levels of service:

- Within 5 working days of receipt of the request to remove graffiti made by the property Owner or their representative, or in the case of multiple dwellings, the body corporate;
- If the damage is particularly offensive (e.g. Racially motivated, of a sexual nature etc.), every effort will be made by the Town and/or the nominated contractor to have the graffiti removed within 24 hours of receipt of the request to remove graffiti when made by a member of the public, the property Owner or their representative, or in the case of multiple dwellings, the body corporate.

In public places not controlled by the Town (e.g. private property such as shopping centre carparks), a notice will be issued requiring the Owner to undertake removal at their cost, as per Division 2 of the *Graffiti Vandalism Act 2016*. The removal must be completed within the same response times prescribed previously in this policy. This notice will be provided in writing as soon as practicable at the Town's determination of the graffiti's presence.

In the instance that the graffiti, as determined by the Town, is intended by the Owner to be interpreted as 'Art'; the Owner will be required to demonstrate to the Town's Officers a sufficient body of work and support by the community for the piece in dispute to remain. The Town's Officers will bring the case before Council to determine it as 'Art' and consider it formally against any other legislation which may be triggered should the mural remain. This would be done on a case by case basis.

Finally, where property Owners, their representatives, or a body corporate wishes to remove their own graffiti from perimeter boundaries, they are advised to contact the Town when graffiti is observed, and state that removal shall be undertaken by themselves. Self-removal must still be to the Town's adopted level of service.

Definitions

Approved: means approved by the relevant local government;

CEO: means the chief executive Officer of the relevant local government;

Graffiti: the Graffiti Vandalism Act 2016 defines this to mean — *any drawing, writing, painting, symbol or mark applied to or marked on property by —*

a) spraying, writing, drawing, marking or otherwise applying paint or another marking substance; or

b) scratching or etching;

and which is deemed offensive or unsightly by the Town.

Local Government Property: means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government;

Occupier of Land: means a person who is an occupier of the land within the meaning given in the Local Government Act 1995 section 1.4;

Offensive: means images or words which could be considered to have negative connotations in religious, moral, ethical, sexual or cultural regards, likely to cause offense. Such images or words will unlikely be depicted in other media. **2.2.15 – Graffiti and Vandalism Removal Policy 2**

Owner: the Graffiti Vandalism Act 2016 defines this to mean an Owner of land, means a person who is an Owner of the land within the meaning given in the Local Government Act 1995 section 1.4.

Public Place: the Graffiti Vandalism Act 2016 defines this to mean —

- a) any place to which the public, or any section of the public, have or are permitted to have access whether on payment or otherwise; or
- b) a school, university or other place of education, other than a part of it to which neither students nor the public usually have access; or
- c) a privately owned place that is unoccupied or is occupied by a person who is not the Owner and does not have the authority of the Owner.

Public Property: the Graffiti Vandalism Act 2016 defines this to mean — *property owned by, vested in, or under the control or management of —*

- a. *the Crown, or an agent or instrumentality of the Crown; or*
- b. *a body corporate established by a law; or*
- c. *a local government, regional local government or regional subsidiary;*

Governance References

Statutory Compliance	<i>Local Government Act 1995 – Schedule 3.1 and Schedule 3.2, Sections 1.4, Part 9 Divisions 1 and 2.</i> <i>Graffiti Vandalism Act 2016 – Part 3, Local Government Powers.</i>
Organisational Compliance	Nil.

Policy Administration

Directorate:		Officer title:
Technical Services		Executive Manager Technical Services
Next Review		Review Cycle
2022		4 years
Version	Date	Ref
1	23 March 2010	OCM-072-2010
2	27 November 2018	OCM-206-2018
3		
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