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**Cessnock City Council
Removal of Graffiti Procedure**

Date Adopted: **29 June 2023** Revision: **3**

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# **PROCEDURE OBJECTIVES**

* 1. This procedure seeks to minimise incidents of Graffiti on public property by prompt removal of Graffiti on Council assets within the Cessnock Local Government Area (**LGA**).
	2. The objectives of this procedure are to:
		1. Ensure the efficient, timely, effective and safe removal of graffiti within the Cessnock LGA.
		2. Reduce the impact of graffiti on residents and the broader community.
		3. Ensure compliance with requirements of Council under section 13 of the *Graffiti Control Act 2008* (**the Act**).

# **PROCEDURE SCOPE**

Except where otherwise stated, this procedure applies to staff responsible, authorised or delegated to deal with Graffiti.

# **PROCEDURE STATEMENT**

* 1. This procedure provides a framework to guide Council in managing Graffiti on or within its assets within the Cessnock LGA. It outlines Council’s role and responsibilities in relation to the removal of illegal Graffiti. Council is committed to working with the community to ensure our centres, streets and public spaces are safe, inviting and support a positive image of our towns and villages across the LGA.
	2. Graffiti impacts the community in a number of 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.
	3. Council does not remove Graffiti from any private land or dividing fences to adjoining land which have not been installed by Council.
	4. Finally, Graffiti impacts the community and Council financially through costs associated with its removal and management. This procedure seeks to address these impacts in a sensitive, effective and cost-effective way.
	5. The intended outcomes of this procedure are to:
		1. minimise incidents of Graffiti on public property;
		2. ensure the prompt identification and removal of Graffiti;
		3. provide legitimate opportunities for the expression and dissemination of community information and art.
	6. Whilst Council’s commitment to the prompt removal of Graffiti is a major contributor to enhancing the visual amenity of our streetscapes, Council recognises that various other strategies such as planning, education and regulation all play an important role in the holistic management and prevention of Graffiti.
	7. Council will endeavour to prevent future Graffiti vandalism by planning and designing public spaces that incorporate the principles of Crime Prevention through Environmental Design (**CPTED**).

# **REDUCING GRAFFITI**

* 1. Council continues to fund the removal of Graffiti through budgetary allocations for vandalism and reactive maintenance of its assets.
	2. Council encourages the community to report incidences of Graffiti for removal. Where possible, reported incidences will be removed within 10 days of identification, depending on the nature and extent of the Graffiti. Graffiti incidents can be report via Council’s Customer Service Team.
	3. Graffiti removal is carried out on a case by case basis, depending upon the medium used and the surface it has been applied to.
	4. Council will seek funds from external sources such as the Graffiti Management Grant which is aimed at local councils and supports space activation initiatives that reduce incidents of Graffiti while increasing community perceptions of safety.

# **PRIORITISATION OF GRAFFITI REMOVAL ON COUNCIL ASSETS**

* 1. Removal of Graffiti on Council assets is prioritised based on the type of Graffiti, with priority given to the removal of offensive, racist or defamatory Graffiti and/or Graffiti on prominent sites or sites of significance within the community. The following table outlines the Graffiti removal timelines on Council assets depending on the type of the graffiti.

|  |  |
| --- | --- |
| Type of Graffiti | Priority Removal Time |
| Racist, defamatory, offensive Graffiti on Council assets and/or prominent sites or sites of significance. | Within 2 working days from when it is reported. |
| All non-offensive or other types of Graffiti. | Within 10 working days in accordance with Council’s asset routine maintenance schedule. |

* 1. Council does not remove Graffiti from any private land or dividing fences to adjoining land which have not been installed by Council.

# **RESPONSIBILITIES**

***Compliance, monitoring and review***

* 1. Council’s Open Space & Community Facilities team is primarily responsible for the removal of Graffiti relating to Council owned or managed facilities and assets.
	2. Council will remove Graffiti on its own property within the Priority Removal Time as detailed in clause 5.1.
	3. Graffiti is removed as soon as possible when it is deemed that the Graffiti contains language which is considered offensive, is placed on sites considered of key community importance (e.g. war memorial, cemetery) and/or is at a site where there is to be a community-based event soon after notification of the issue.
	4. Council continue to collate information on the ongoing costs, sites and amount of Graffiti impacting on Council facilities and infrastructure.

***Reporting***

* 1. Reporting of Graffiti incidents will be via Council’s Customer Service Team.
	2. Section 13 of the of the Act - requires that Council keep a register of Graffiti removal work carried out. The register is to specify in respect to each incidence of Graffiti removal carried out:
		1. the owner or occupier of the premises on which the Graffiti was situated,
		2. the nature of the work carried out,
		3. the actual cost, or an estimate of the cost at current market rates, of carrying out the work, and
		4. 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.
	3. Instances of Graffiti and its removal will be documented as required under the Act. A database of Graffiti incidents is recorded in Council’s Document Management System (DOC2020/117148).

***Records management***

* 1. Staff must maintain all records relevant to administering this procedure in accordance with Council’s [Records Management Policy](http://www.cessnock.nsw.gov.au/resources/file/Policy/Website%20Policy/Records%20Management%20Policy%20and%20Program%20_%20Nov%202017_%20Melanie%20Carter.pdf).
	2. All reported Graffiti incidents are to be recorded in Council’s Document Management System as required by the Act.

# **PROCEDURE DEFINITIONS**

|  |  |
| --- | --- |
| **Council** | means Cessnock City Council |
| **Council property** | means all buildings, land, reserves, and structures owned and maintained by Cessnock City Council. |
| **Graffiti** | Any marks that change the appearance of a property without the owner’s permission, including writing, drawing, marking, scratching, etching or posting something on the property.  |

# **PROCEDURE ADMINISTRATION**

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| --- | --- |
| **Business Group** | Works and Infrastructure |
| **Responsible Officer** | Open Space and Community Facilities Manager |
| **Associated Procedure**  | Graffiti Incident Register – DOC2020/117148 |
| **Procedure Review Date** | Three years from date of adoption unless legislated otherwise  |
| **File Number / Document Number** | DOC2022/201057 |
| **Relevant Legislation (reference specific sections)** | This procedure supports Council’s compliance with the following legislation:* [*Graffiti Control Act 2008*](https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2008-100)(NSW)
* [*Local Government Act 1993*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030)(NSW)
* [*Protection of the Environment Operations Act 1997*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-156)(NSW)
* [*Environmental Planning and Assessment Act 1979*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203)(NSW)
* *Clause (1)(3) of Schedule 1 of the Government Information (Public Access) Regulation 2018* (NSW)
 |
| **Relevant desired outcome or objectives as per Council’s Delivery Program** | Objective 3.2.4: Provide and maintain recreation facilities streetscapes and public open space. |
| **Related Policies / Protocols / Procedures / Documents (reference document numbers)** | Records Management Policy (DOC2019/038769) |

# **PROCEDURE AUTHORISATIONS**

|  |  |  |
| --- | --- | --- |
| **No.** | **Authorised Function** | **Authorised Business Unit / Role(s)** |
| GC Act 001 | Authority to carry out Graffiti removal work with consent of owner or occupier of private land or without such consent where Graffiti is visible from a public place. | Open Space & Community Facilities ManagerBuilding Maintenance CoordinatorBuilding Maintenance staff – Carpenter, Painter, Cleaner. |

# **PROCEDURE HISTORY**

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| **Revision** | **Date Approved / Authority** | **Description Of Changes** |
| 1 | 5 February 2003 | New Policy Adopted |
| 2 | 28 May 2004 | Periodic Review |
| 3 | 29 June 2023 | Periodic review. Endorsed as a Procedure. Existing Policy (DOC2019/105213) scheduled to be rescinded. |