

**Policy Title:** GRAFFITI MANAGEMENT AND MURALS  
**Policy Subject:** Open Space & Environment  
**Policy No:** 4134988 – CP079

**Directorate:** Development & Community  
**Department:** Open Space & Environment  
**Section:** Open Space Management

**Responsible Officer:** Executive Manager Open Space & Environment  
**Authorised by:** Director Development & Community

**Adopted Date:** 23/06/2021  
**Review Date:** 23/06/2023  
**Amended Date:**  
**Risk Assessment:** Medium

**OBJECTIVE:**

<b>Objectives</b>	<ul style="list-style-type: none"> <li>• To remove graffiti as quickly as practicable.</li> <li>• To reduce the incidence and visibility of graffiti across the local government area.</li> <li>• To improve community perceptions of safety within the local government area.</li> <li>• To engage community support and participation in graffiti removal and prevention.</li> <li>• To develop partnerships with community organisations to assist in graffiti removal and prevention.</li> <li>• To work with the Police, the community and other government agencies in identifying and dealing with graffiti offenders.</li> </ul>
<b>Performance measures</b>	<ul style="list-style-type: none"> <li>• Cost to Fraser Cost Regional Council for graffiti removal.</li> <li>• Number of reported incidents of graffiti.</li> <li>• Number of actual graffiti removals.</li> <li>• Time to remove graffiti.</li> </ul>

**POLICY:**

**Philosophy**

This policy provides a framework for how Council will respond to incidents of graffiti within the Fraser Coast LGA. It provides a set of principles covering both the removal of graffiti and the creation of conditions that may contribute to a reduction in the amount of new graffiti.

**Role**

Council is committed to implementing strategies that reduce and prevent graffiti vandalism.

Council recognises the importance of developing and maintaining community partnerships to assist in the effort to reduce graffiti. This particularly applies to the reporting of graffiti, the removal of graffiti and the identification of potential graffiti reduction strategies.

Council recognises that any strategy to reduce the incidence of graffiti should contain an enforcement element so as to ensure that serious offenders are appropriately dealt with through the proper legal channels. To support this Council will share information with Queensland Police Service regarding graffiti offenders and graffiti 'hotspots'.

Council will promote urban design strategies that reduce opportunities for graffiti on public and private assets within the LGA. Developing murals is one strategy that has been identified to help deter graffiti and promote public art. Council will not provide walls or surfaces for unregulated/'legal' graffiti, as a graffiti prevention strategy.

Council is committed to the ongoing education of the community by the development and distribution of graffiti management education materials.

### **Authorities & Responsibilities**

Compliance with the provisions of this policy and any attached guidelines/templates, is mandatory.

- Council's Customer Service team is responsible for processing customer requests for graffiti removal.
- The relevant Council Asset custodians are responsible for graffiti removal in accordance with the removal timeframes and associated operational procedures.
- Council Asset custodians are responsible for providing the necessary funding for graffiti removal on their assets.
- Council Departments will undertake a coordinated approach to addressing graffiti prevention initiatives including providing education opportunities and developing partnerships to reduce incidence of graffiti.
- Council's Open Space & Environment Department is responsible for writing, reviewing and updating this policy and for communicating graffiti prevention initiatives.

### **Enforcement**

Council will initially endeavour to seek the cooperation of property owners or occupiers in achieving voluntary compliance with this policy.

In instances where this is not achieved or possible, Authorised Persons from Council's Open Space & Environment team will undertake enforcement action under Section 35 of *Fraser Coast Regional Council Local Law No. 3 (Community & Environmental Management) 2011*.

### **Scope & Activities**

This policy applies to graffiti on all Council assets, private property (including community leasehold sites) and any assets covered by relevant Memorandums of Understanding between Council and third-party asset owners (eg. Ergon Energy, Department of Main Roads).

This policy applies to all Council staff and Council contractors involved in asset management and planning, design, redesign and refurbishment of Council structures.

This policy applies to both reported and observed graffiti.

**Graffiti Removal**

Council will remove graffiti from the following:

1. Council property;
2. Community leasehold sites;
3. Other publicly owned infrastructure in accordance with approved Memorandums of Understanding between Council and other asset owners; and
4. Private property boundaries (where the graffiti is accessible from public property) and is deemed inherently offensive.

Council will require private property owners to remove graffiti from their property in accordance with Local Laws, however Council will also encourage property owners to remove graffiti from their property by providing free or low-cost graffiti removal kits and advice about removal techniques.

Under Council’s *Local Law No. 3 (Community & Environmental Management) 2011 Part 9*, if any building or other structure, or a billboard or billboard structure, is marked with graffiti, Council may issue a notice to the owner or occupier of the land to remove the graffiti.

The local law also covers graffiti marked on a construction site and may issue a notice to the occupier of the construction site to remove the graffiti.

Council will address graffiti on private land on a complaint basis only, and that these complaints will be prioritised accordingly. As graffiti is not placing person or animal at risk of illness or injury, they would be considered a “low risk” customer request.

Wherever possible, Council staff and contractors are to remove graffiti in accordance with the following timeframes.

<b>Removal within 1 working day</b>	<b>Removal within 3 working days</b>	<b>Removal within 5 working days</b>
Applies to sites with obscene or offensive material.	Applies to highly visible sites	Applies to all other graffiti public infrastructure assets, including Ergon Energy, NBN, etc.

**Graffiti Removal Exceptions**

It may be necessary to deviate from these timeframes on a case-by-case basis. Exceptions include, but are not limited to:

- Skate bowls – where skating surfaces require specialised treatment.
- Temporary fences – these are to be referred to the property owner or fence hire company.
- Murals – where an artist is required to repair artwork.
- Temporary memorials, Heritage items – where a sensitive approach may be appropriate or specialist techniques are required.

- Private property and signage – deemed that the graffiti removal may cause damage to the surface. (Council will suggest the asset owner seeks specialist advice).
- Sites that require a risk assessment or have work health and safety constraints (eg. graffiti that is more than two metres above the ground or on a roadway).
- Private property – in exceptional cases, highly visible graffiti within private property (eg. ahead of major events, to respond to community concern or if graffiti is obscene/offensive).
- Where Council resources (Staff and available budget) restrict adherence to the policy timeframes.

### **Reporting Standards**

Council will facilitate user friendly reporting of graffiti by the community via email, in writing, over the phone, through proprietary apps such as Snap/Send Solve or any other recordable reporting mechanism.

Council staff are encouraged to report graffiti to the relevant Asset Custodian and to Queensland Police 131 444.

Council supports a working partnership with Crime Stoppers Queensland to encourage the reporting of graffiti offenders.

### **Murals**

The purpose of this section is to provide an appropriate process for the design and application of murals on Council property to reduce the likelihood of graffiti vandalism.

#### **Scope**

This policy is intended for use by all Council staff, Councillors and Council contractors.

Murals are delivered by many Departments within Council for graffiti prevention purposes and also to deliver beautification, community engagement and cultural development outcomes.

It is generally assumed that murals within a public space are less prone to incidences of vandalism.

The advice below is recommended to maximise the graffiti prevention outcomes of murals:

- Mural requests should be referred to Open Space & Environment in the first instance.
- Designs should be of a high quality and be sufficiently detailed to deter graffiti (limit blank spaces) In order to maximise community ownership, it is recommended that designs reflect a broad community theme.
- Designs must not contain an individual's graffiti 'tag', any commercial branding, offensive language or explicit images. All murals are to be covered by a protective anti-graffiti coating. This will ensure that any graffiti can be removed from the mural without damaging the original painting.
- The cost of the protective coating will need to form part of the overall costing of the mural.

- All murals are to be covered by a protective anti-graffiti coating. Murals will become the property of Fraser Coast Regional Council. Should the mural require repair, it will be preferable that the mural artist may be contacted to arrange repair, however if circumstances dictate this can be varied.
- All costs for the maintenance and upkeep of the mural are to be met by the Council asset custodian.
- This policy does not extend to murals on private property, however it can be used as a guide to develop contractual arrangements where Council is a party to a private property mural.
- Murals on private commercial property may require separate signage approval if they advertise a product or business.

Upon Council receipt of a mural request an officer assessment will be undertaken to determine the suitability of a mural as a graffiti reduction treatment.

This may include:

- Review of the asset maintenance history to determine the scale and frequency of graffiti.
- Consultation with other departments of Council including Community & Culture in regard to the suitability of artwork and the asset custodian to obtain information about the asset.
- Undertake a cost benefit analysis to determine if a mural installation would provide a cost saving to Council, including consideration of the costs associated with surface preparation and application of anti-graffiti coating.
- Site assessed for suitability and to determine passive surveillance opportunities.

If a mural is not deemed to be an appropriate reduction strategy or the request is not graffiti related, the request will be referred to Open Space & Environment and the asset custodian for response.

#### **HEAD OF POWER:**

*Local Government Act 2009 section 9 (1)*

“A local government has the power to do anything that is necessary or convenient for the good rule and local government of its local government area.”

*Fraser Coast Regional Council Local Law No. 3 (Community and Environmental Management) 2011  
Part 9 Graffiti: Section 35 Removal of Graffiti*

#### **RELATED LEGISLATION:**

Graffiti is identified as a crime under the *Queensland Criminal Code 1899*, Section 469 (Wilful Damage).

The Summary Offences (Graffiti Removal Powers) Amendment Act 2008 prescribes powers of entry for authorised officers with respect to “public graffiti” which is defined as:

- graffiti in a public place; or*
- graffiti in another place but only to the extent the graffiti can readily be seen from a public place.*

**ATTACHMENT TO POLICY:**

- Graffiti Prevention Fact Sheet (#4135211)

**DEFINITIONS:**

Council – Fraser Coast Regional Council

Private Property – property within the Fraser Coast Regional Council boundaries, and for which rates are paid to Council (excludes State Government owned property).

Community Leasehold Sites – sites held under leasehold tenure to community groups ('not for profit' groups or 'incorporated associations') for land owned or under the control of Council or the State Government.

**HISTORY:**

Amended: N/A