

YARRA CITY COUNCIL
GRAFFITI
MANAGEMENT
FRAMEWORK 2015–2019



ACKNOWLEDGEMENTS

Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra and gives respect to Elders past and present.

**COVER ARTWORK
BY TOM CIVIL**

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**ARTWORK BY
LACHLAN PLAIN**



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BY KAFFEINE**

PURPOSE

To outline the Council's position on illegal graffiti management for the municipality using a 'whole-of-community' approach.

SCOPE

The 'whole-of-community' approach centres on building partnerships between Council and residents of Yarra: owner/occupiers of domestic dwellings, business owners, law enforcement agencies, statutory authorities, utility owners and graffiti artists.

The 'whole-of-community' approach includes a set of key outcome areas for illegal graffiti management comprising:

- Graffiti Removal
- Place Management
- Education and Capacity Building
- Tourism and Promotion
- Planning and Enforcement
- Monitoring and Evaluation

This policy applies to all Officers and Councillors of the City of Yarra, and guides Council's work from 2015–2019.



DEFINITIONS

In alphabetical order, the following section lists the terms which are commonly used within the context of illegal graffiti management. This list is not exhaustive.

Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design (CPTED) is an approach to crime prevention that takes into account the relationship between the physical environment and the users of that environment. The use of design principles to address issues of crime and antisocial behaviour has been associated with best practise initiatives both internationally and throughout Australia.

Criminal Justice Diversion Program

The Criminal Justice Diversion Program is governed the *Criminal Procedure Act 2009*. The program provides mainly first time offenders with the opportunity to avoid a criminal record by undertaking conditions that benefit the offender, victim and the community as a whole.

The offender benefits from the program by avoiding an accessible criminal record, by receiving appropriate assistance through rehabilitation, counselling and/or treatment, whilst the community benefits by way of donations or unpaid community work to various charities or local community projects.

Council is referred people from the Criminal Justice Diversion Program, however these offers are considered on a case-by-case basis.

Graffiti

Graffiti can be an inscription, figure or mark written, painted, drawn or otherwise displayed on any surface. Tagging, a common practice of graffiti, is a calligraphic signature often illegally placed on public and private property.

Street Art is a public visual art form that has grown out of the graffiti movement and refers to works that sit outside of traditional art establishments.

Traditionally both art-forms have been unsanctioned and illegal, however, contemporary understandings have accepted street art for its broader aesthetic appeal over graffiti. The cultural nature of graffiti maintains an illegal context to its practice; however works can be both sanctioned and unsanctioned.

For the purpose of this policy it can be assumed that reference to management and removal of graffiti or street art indicates the removal and management of illegal graffiti or street art.

Graffiti occurs in a variety of forms, with common types described in Table 1 overleaf.



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NAPIER STREET
STUDIOS**

Types of Graffiti

Religious/political slogans	Any graffiti which could be offensive to particular members of the general public. This would include any obscene, racist, political or religious graffiti.
Tags	<p>Tagging is the most common type of graffiti. It is quick, usually in spray paint or paint marker pen or simple throw-ups (outlines of bubble letters) and simple motifs. It is a way of saying "I was here" and is used in some cases to mark out territory. They are stylised personal graphic identifiers depicting names or nicknames, which are often large and in bold colours. Tags can be pictorial, drawn free hand or using stencils, and are usually painted with spray cans, drawn with marker pens, or scratched into windows and the like by sharp implements (such as keys).</p> <p>Tagging is highly prolific, occurs in high numbers, and can escalate rapidly. It is frequently seen in public places with high visibility.</p>
Capping	Capping involves covering an existing graffiti piece with paint.
Scratches	'Scratching' refers to the scratching or etching in to surfaces which is then extremely costly to remove or repair.
Juvenile	Generally takes the form of 'x loves y' types messages or lists of first names. They are usually written with felt tip or marker pens.
Toilet/desk graffiti	Largely involving jokes, public debate, insults and banter between anonymous contributors. The content differs according to location (school or university desks, public toilets, bus shelters) and typically involves the use of pens and markers.
Stickers	Pre-designed art, printed on stickers, and applied in public spaces. Stickers in recent years have significantly increased and generally occur in high numbers throughout particular areas.
Piece	Piece, short for the word 'masterpiece', refers to large-scale multi-coloured graffiti art containing a combination of images, patterns, symbols, and letters. Piece graffiti commonly occurs along rail corridors and other highly visible locations.
Posters	Pre-designed art, printed on large posters, and applied with glue in public spaces. Similarly to stickers, the use of posters in recent years has also increased.
Stencils	Pre-designed art which is sprayed through a stencil. Stencils are commonly applied to footpaths and walls and can vary greatly in their complexity. In recent years, stencil art has become popular with a range of artists and continues to gain recognition in the public arts space.
Throw ups	Fat bubble style outline of a word (usually a tag name) drawn quickly.
Murals	Murals generally involve more coordinated, site specific activity and can be defined as a genre within contemporary art, but with deep and significant historical connections. Murals are commonly characterised but not limited to highly stylised imagery and marking and often incorporate ambient and architectural elements of their proposed location.
Political/protest graffiti	Political graffiti communicates a viewpoint and can challenge the legitimacy of the current political stance. It is often associated with more sophisticated street art pieces, involving highly emotive content (pictures of tanks, bombs etc.).



Graffiti Hotspots

Graffiti hotspots are strategic or highly visible areas within the municipality (such as gateways to the municipality and retail precincts) with extreme levels of illegal graffiti determined through audit and monitoring processes.

Graffiti Prevention Act 2007

The Graffiti Prevention Act 2007 (the Act) is a key aspect of the State Government's graffiti management approach. The Act is a key piece of legislation that graffiti related local government local laws and policies must be consistent with.

Offences under the Act include:

1. 'Marking graffiti' – creating graffiti that is visible from a public place and done without the property owner's consent. Mark graffiti means to spray, write, draw, mark, scratch or 'deface' property by any means so that the result cannot be cleaned off with a dry cloth.
2. 'Possessing a graffiti implement on transport company property or an adjacent public place, or a place where you are trespassing', for anyone aged under 18. 'Graffiti implement' refers to any tool or object or implement or substance that you can use to mark graffiti.

Under the Act, a person must not sell spray paint to a minor unless the minor has a letter or statutory declaration from their employer stating that they require spray paint for the purposes of their employment; an authorised Council Officer may serve an infringement notice on a person who the Officer has reason to believe has committed this offence.

The Act carries significant penalties including imprisonment or fines of up to fifty penalty points.

Under the Act, Council is required to give notice to a property owner of its intention to remove graffiti from private property. If a property owner does not give their permission, Council cannot remove it.

Nothing in the Act imposes a duty on Council to remove graffiti from private property.

Heritage Overlays

The Yarra Planning Scheme includes heritage overlays which are planning controls applied to places, mostly buildings, which have cultural heritage significance. They can apply to individual buildings or precincts. The heritage overlay helps to protect heritage properties by requiring a planning permit for external changes and through the permit application the impact on the heritage values can be considered.

Under the heritage overlay, a planning permit is required from Council to externally paint an unpainted surface. Planning approval is also required to paint a painted surface if the property is located in a heritage overlay precinct with paint controls.

However, it should be noted that an exemption applies when art work is carried out by, or on behalf of Council.

Place Management

Place management involves the participation of all relevant parties/stakeholders in the development of specific responses to address local issues. This includes urban design elements, heritage overlays, activity centre review, physical infrastructure (e.g. planting, and lighting access to the particular site).

Commissioned Public Art

Commissioned public art in Yarra has typically been delivered by Council in a number of ways, either as graffiti management treatments, or as curated street art. Treatments may be initiated by either Council or property owners.

Both forms require consent from the property owner (whether it is Council or the owner of private property). For commissioned public art not carried out by, or on behalf of Council, planning approval is required from Council to externally paint an unpainted surface where a heritage overlay applies, and planning approval is also required to paint a painted surface if the property is located in a heritage overlay precinct with paint controls.

Commissioned public art will take into account the relevance and appropriateness of the work to the context of proposed site, and consistency with Council's current planning, heritage, environmental and social policies.

Treatments

The primary purpose of a treatment is graffiti management; a mural or other type of legal graffiti is used to improve the appearance of outdoor walls and spaces covered in tagging and as a result, reduce the chance of future incidents occurring. Treatments can be minor or major, and involve direct commissioning of local street artists as quick, short turn around projects. Treatments are temporary and are not preserved by Council.

A minor treatment is:

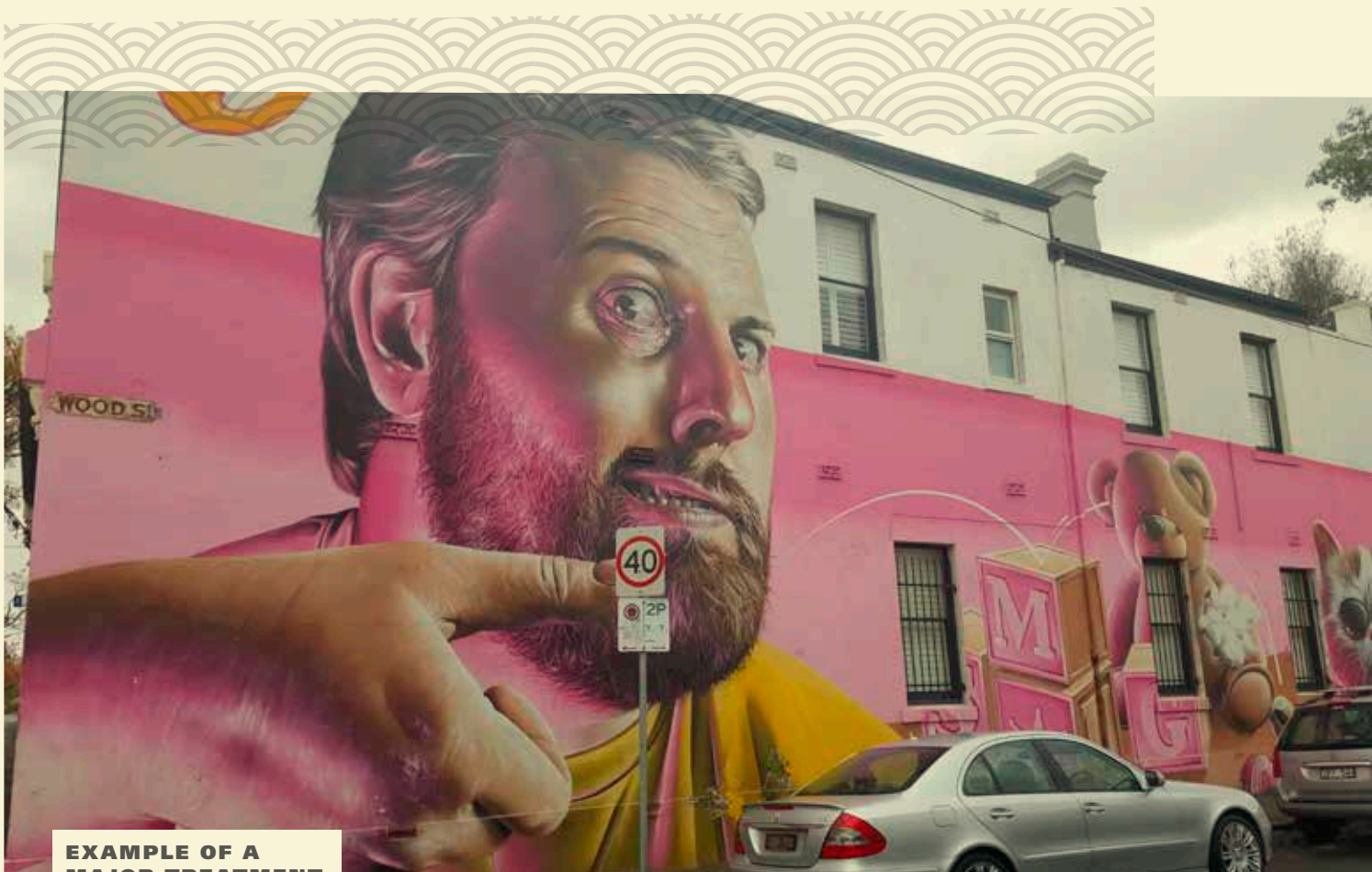
- Small scale (for example, on a signal box) or low profile (for example, in a laneway)
- Coordinated by Engineering Operations

A major treatment:

- Is large scale
- Is coordinated by Engineering Operations, in consultation with Arts and Cultural Services and/or Yarra Youth Services
- Must be approved by the Director, City Works and Assets

Treatments are not curated, nor do they form a part of Council's Public Art Collection. However, photographic evidence must be recorded through Council's prospective treatment register, noting the date, location, artist and cost.

COMMISSIONED PUBLIC ART IN YARRA HAS TYPICALLY BEEN DELIVERED BY COUNCIL IN A NUMBER OF WAYS, EITHER AS GRAFFITI MANAGEMENT TREATMENTS, OR AS CURATED STREET ART.



EXAMPLE OF A MAJOR TREATMENT BY SMUG



**EXAMPLE OF A
MINOR TREATMENT
ARTIST UNKNOWN**



Curated Street Art

When legal street art is curated, Council provides parameters for the artists involved with a focus on work that is site-specific and/or within particular themes or aesthetic approaches. Other models that have been successfully adopted involve outsourcing the work to an external consultant to bring a level of expertise, resources and capacity unique to the partner and different to what Council can deliver, or engaging young people to lead projects through Council's Youth Services.

Curated legal street art:

- Can often require consultation as works are generally large scale and high profile
- Can be temporary or permanent
- In certain cases, can be preserved by Council
- Is coordinated by Arts and Cultural Services.

Council recognises the ongoing interest in murals/ street art from artists, community members and businesses and will endeavour to play a facilitating role to enable private commissions.

In special cases, curated legal street art can form a part of Council's Public Art Collection; this occurs when a permanent commission is deemed significant by the Arts and Cultural Services team and it meets acquisition criteria within Council's Collection Management Policy.

Further information around curated street art can be found in the *Yarra Public Art Policy 2015–2020*, *Murals in Yarra Working Document* and *Public Art Discussion Paper May 2013*.

IN SPECIAL CASES, CURATED LEGAL STREET ART CAN FORM A PART OF COUNCIL'S PUBLIC ART COLLECTION



CURATED STREET ART AT FITZROY POOL BY BLO AND JAWS

COUNCIL POLICY

PREAMBLE

Everyone reacts differently to graffiti. For some, graffiti can have real impacts on perceptions of safety. For others it represents a vibrant culture; an important form of artistic and political expression in the urban environment.

The debate between what constitutes 'art', as opposed to 'graffiti' (in its illegal sense) is heavily debated and perceptions of whether a graffiti piece is art or crime are inherently subjective.

Yarra City Council recognises the aspirations of property owners to have their properties free from defacement and broader community desires for well-maintained local streets and neighbourhoods.

At the same time, Council supports the right to and importance of freedom of political and artistic expression, including the rights of street artists to undertake legal artwork. Yarra City Council respects both of these sets of values, and seeks to balance them in the context of a corporate philosophy, valuing inclusion and diversity. Graffiti on private property without consent is illegal. Private property owners are responsible for their property, including maintaining public amenity. Council does however have a responsibility to the community to encourage property owners to maintain their assets to appropriate standards.

Graffiti, especially tagging, is a problem for some sectors of the community because it has an impact on their perception of safety. Some people feel that an area with graffiti is unsafe and therefore they may avoid areas where graffiti is present. It can increase feelings of fear and disorder in the local community and distort perceptions around the actual level of crime and safety. Graffiti can have a negative impact on the amenity and general sense of safety in the community.

Effective management of graffiti is important to create and maintain quality open and public spaces and to engender civic pride.

The Graffiti Management Policy consists of six key result areas:

- Graffiti Removal,
- Place Management,
- Education and Capacity Building,
- Tourism and Promotion,
- Planning and Enforcement, and
- Monitoring and Evaluation.

POLICY

Graffiti Removal

Council Property

- Council will prioritise removal of offensive graffiti (defamatory or degrading remarks or graphics about race, religion, sex or personal privacy) from Council property.
- Council will remove inoffensive graffiti from Council property as soon as possible.
- Council commits to management of graffiti on its assets through effective environmental design Crime Prevention through Environmental Design (CPTED) and the application of 'place management' principles.
- Removal of graffiti will be consistent with heritage conservation principles.

Private Property

In order of priority:

- Council will prioritise support to private property owners through community education and urban design advice that avoids and reduces incidents of graffiti.
- Council will support private property owners to self-remove graffiti from their properties through provision of graffiti removal kits and discount paint vouchers.
- Council will support local community-driven initiatives which help mitigate negative impacts of graffiti to residents and property owners.
- Council will work with the community to remove graffiti from private premises where it has a significant impact on public amenity (for example, where it is deemed offensive), and/or is a shopping centre, a gateway or an area of high prominence (see Figure 1 overleaf detailing priority 1 zones for graffiti management) OR where residents are frail aged or living with a disability.
- Removal of graffiti will be consistent with heritage conservation principles.

COUNCIL SUPPORTS THE RIGHT TO AND IMPORTANCE OF FREEDOM OF POLITICAL AND ARTISTIC EXPRESSION

Place Management

- Council will engage the community in understanding and responding to graffiti.
- Across the municipality, Council will deliver place-based interventions, with universal evaluation through a coordinated approach.
- Council will recognise, celebrate and cultivate the unique public art in Yarra’s urban environment.
- Council will identify, recognise and promote spaces and places across the municipality that are designated for public art expression.
- Council will use a range of approaches to reduce the negative impact of graffiti in public places including urban design and landscaping, as well as alternative treatments such as legal graffiti walls and the commissioning of murals.

Education and Capacity Building

- Council will facilitate a coordination group on good management of public spaces, considering CPTED through statutory planning, landscaping, open space, urban design, and properties and building.
- Council will support delivery of community education, prevention, diversion, awareness and promotion programs on graffiti management including steps that residents, businesses and property owners can take to remove graffiti from private property.

Tourism and Promotion

- Council acknowledges the considerable interest in Yarra’s legal street art and graffiti and will support its promotion where appropriate.

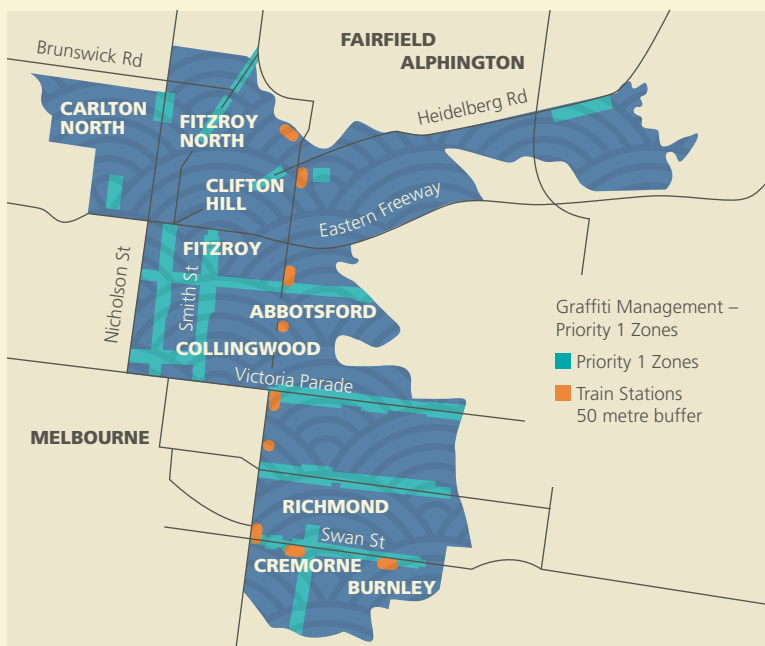
Planning and Enforcement

- Council will ensure that where required, planning permits are obtained for any art works.
- Illegal graffiti is a criminal offence that is dealt with under the provisions of the *Graffiti Prevention Act 2007*.
- Where it is brought to Council’s attention, Council will refer complaints regarding appropriate maintenance of their assets to the relevant statutory authorities.

Monitoring and Evaluation

- The Graffiti Management Framework will be advanced by active monitoring and improved through robust and strategic evaluation.
- Evidence from the evaluation will be used to plan activities, monitor and improve their implementation, make judgements about their impact and the allocation of resources.
- Council will monitor best practice.

Figure 1



CONSULTATION

Yarra City Council's Engineering Operations, Social Policy and Research, Arts and Cultural Services, Family, Youth and Children's Services, Statutory Planning and City Strategy have provided input into this framework.

Melbourne, Knox, Port Phillip, Frankston, Darebin, Casey, Hume and Stonnington City Councils were also consulted in relation to the development of this framework.

Thanks to Elizabeth Holden – Department of Justice, Bernie Jennings – Department of Health and Human Services, Glenn McFarlane – Victoria Police, Tom Keel and members – Fitzroy Residents Association, Meca Ho – Richmond Asian Business Association, Bradley Deacon – Swan Street Traders Association, CDH – artist, Mike Makatron – artist and Shaun Hossack – Juddy Roller Creative Consultancy Agency for providing feedback on the framework.

Special thanks must also be given to the numerous residents of Yarra who took the time to provide input: Louise Elliott, Lars and Helen Lindahl, Michael and Sybil Keats, Gwenneth Thompson, Peter Fitzgerald, Gina Evans, Ashley Barker, and Suelette Dreyfus.

Related documents and attachments

A Graffiti Management Strategy is attached and establishes a framework for Council to respond to its own property, and to working with private and public property owners, community organisations and street artists.

The Graffiti Management Strategy is not an exhaustive list of all graffiti related activity in Yarra. Rather, it provides a means for Council to prioritise and drive forward strategies related to graffiti management and removal.

Other associated documents include:

- Yarra Youth Arts Program 2012–2015
- Arts and Cultural Strategy 2011–2015
- Health Plan 2013–2017
- Asset Management Policy 2011
- Yarra Youth Policy 2013–2016
- Murals in Yarra Working Document
- Public Art Discussion Paper May 2013
- Yarra Public Art Policy 2015–2020
- Yarra Economic Development Strategy 2014
- Yarra Heritage Strategy 2015–2018



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GRAFFITI MANAGEMENT STRATEGY 2015–2019

Key Result Area	Action	Responsible Unit/s	Timeline	Resources
1. Graffiti Removal <i>Council property</i> <i>Private property</i>	1.1 Continue removal of offensive graffiti (defamatory or degrading remarks or graphics about race, religion, sex or personal privacy) from Council property within four hours of notification.	Engineering Operations	Ongoing	Existing
	1.2 Continue removal of inoffensive graffiti from Council property ideally within twenty four hours, but no later than within five days of notification.			
	1.3 Respond to service requests within 24 hours and where appropriate removal of graffiti from private premises within 10 days of notification.	Engineering Operations	Ongoing	Existing
	1.4 Continue removal of graffiti from road signs.	Engineering Operations	Ongoing	Existing
	1.5 Continue removal of graffiti from street litter bins and park assets including playgrounds, furniture and signs.	Open Space / Engineering Operations	Ongoing	Existing
	1.6 Continue removal of graffiti from street furniture.	Engineering Operations	Ongoing	Existing
	1.7 Continue to fund designated positions to identify, audit and carry out clean-up work throughout retail precincts and commercial gateways across Yarra.	Engineering Operations	Ongoing	Existing
	1.8 Continue to provide free graffiti removal kits and discount paint vouchers to local residents.	Engineering Operations	Ongoing	Existing
	1.9 Investigate the feasibility of entrepreneurial and innovative solutions/enterprises for removal and treatments of graffiti e.g. fee for service.	Asset Management, Family, Youth and Children's Services	Year 2	New
	1.10 As part of Council's community grants program, fund community-based initiatives that seek to reduce the impact of graffiti.	Community Partnerships	Ongoing	Existing
	1.11 Develop and maintain a quality assurance process to monitor graffiti removal and associated costs.	Community Partnerships / Engineering Operations	Year 2	New
	1.13 Promote the implementation of the Graffiti Management Policy.	Community Partnerships	Ongoing	Existing

Key Result Area	Action	Responsible Unit/s	Timeline	Resources
	<p>1.14 Access Yarra will encourage the community to report graffiti to the organisation responsible for the assets via the Council website</p> <p>Public Transport Trams: Yarra Trams Customer Service – 1800 800 166 Trains and Train Stations: Metro Trains – 1800 800 705</p> <p>Public Facilities and Utilities Bus Shelters: Adshel – 1800 501 402 Signal Boxes: VicRoads – 13 11 70 Post Boxes: Australia Post – 13 13 18 Electricity Poles: Citipower – 1300 301 101 Pay Phones: Telstra – 1800 011 433</p>	Customer Service	Ongoing	Existing
<p>2. Place Management <i>Deliver Place Based Interventions</i> <i>Engage the Community</i> <i>Alternative Treatments</i></p>	<p>2.1 In consultation with community, develop place management strategies for illegal graffiti hotspots and places with emerging graffiti issues.</p>	Community Partnerships, Recreation and Open Space, Engineering Operations, Asset Management, Urban Design, Arts and Cultural Services, Family Youth and Children’s Services		
	<p>2.2 Develop a checklist for the application of CPTED principles to new and existing Council assets.</p>	Community Partnerships, Recreation and Open Space, Engineering Operations, Asset Management, Urban Design, Arts and Cultural Services, Family, Youth and Children’s Services	Ongoing	Existing
	<p>2.3 Conduct programmed graffiti removal in retail precincts in partnership with business and property owners.</p>	Engineering Operations	Ongoing	Existing
	<p>2.4 Council will further investigate best practise in preserving public street art.</p>	Arts and Cultural Services	Year 2	New
	<p>2.5 Continue to use alternative treatments such as traffic signal boxes, legal graffiti walls and murals as diversionary/early intervention/prevention strategies and for precinct amenity improvement.</p>	Engineering Operations, Arts and Cultural Services, Youth and Middle Years	Ongoing	Existing



Key Result Area	Action	Responsible Unit/s	Timeline	Resources
3. Education and Capacity Building <i>Establish Coordination Group</i> <i>Deliver Community Education</i>	3.1 Implement Coordination Group to strategically coordinate graffiti based projects across Council and good management of public spaces, including CPTED through statutory planning, landscaping, open space, urban design, and properties and building.	Community Partnerships	Year 1	Existing
	3.2 Continue to plan, develop and deliver youth-led treatments, stencil and mural projects that enhance young people's engagement, health and wellbeing.	Youth and Middle Years	Ongoing	Existing
	3.3 Identify a suitable site for, and implement, a legal graffiti laneway in Fitzroy.	Engineering Operations, Youth and Middle Years	Year 2	New
	3.3 Work with local schools to build capacity around graffiti education/awareness.	Youth and Middle Years	Ongoing	Existing
	3.4 Regularly update and maintain graffiti-related information on Council's website.	Community Partnerships, Advocacy and Engagement	Ongoing	Existing
	3.5 Provide an information package on opportunities for residential response, including graffiti removal options, advice about CPTED and public art projects.	Advocacy and Engagement	Year 2	New
	3.6 Provide advice and information to property owners on graffiti removal and prevention in heritage areas.	Customer Service / Strategic Planning (Heritage)	Ongoing	Existing
	3.7 Implement community education programs on graffiti and graffiti management.	Engineering Operations	Ongoing	Existing
	3.8 Continue to enhance a mechanism for the community to report graffiti to the Council, leveraging new technology.	Advocacy and Engagement	Year 2	New
4. Tourism and Promotion <i>Leverage social media</i> <i>Investigate benefits</i>	4.1 Leverage social media to identify, document and promote legal graffiti and street art within Yarra.	Arts and Cultural Services	Year 2	New
	4.2 Investigate the benefits of Yarra's street art including exploring the possibility of supporting legal graffiti tours within Yarra.	Arts and Cultural Services	Year 2	New

Key Result Area	Action	Responsible Unit/s	Timeline	Resources
5. Planning and Enforcement <i>Maintenance of Assets</i>	5.1 Ensure complaints regarding the maintenance of their assets are referred to statutory authorities.	Community Amenity	Ongoing	Existing
	5.2 Where necessary, ensure planning permits are obtained for any artwork.	Statutory Planning, Arts and Cultural Services	Ongoing	Existing
6. Monitoring and Evaluation	6.1 Council will undertake evaluations of projects as required.	Community Partnerships	Ongoing	Existing
	6.2 The Coordination Group will undertake timely reviews of the Policy and report to Council on the results.	Community Partnerships	Ongoing	Existing
	6.3 Council will investigate the introduction of a spatial mapping database (with capacity for uploading images).	Geographical Information Systems	Ongoing	Existing
	6.4 Council will investigate the best means of improving a 'live' register of legal street/ public art installations and introducing a prospective register of treatments.	Community Partnerships, Arts and Cultural Services, Engineering Operations	Ongoing	Existing





**RICHMOND
CIVIL MURAL**

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ARABIC

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SIMPLIFIED CHINESE

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GREEK

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ITALIAN

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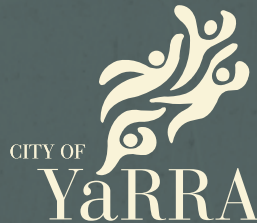
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VIETNAMESE

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