

## **Report to the Future Melbourne (People City ) Committee**

**Agenda item 6.1**

### **Graffiti Management Plan 2014 – 2018 Draft for Public Comment**

**8 October 2013**

**Presenter:** Geoff Robinson Manager Engineering Services

#### **Purpose and background**

1. To present the draft Graffiti Management Plan 2014-2018 (Plan) and seek approval for it to be released for public comment (see Attachment 2).
2. This Plan replaces the Graffiti Management Plan 2009 - 2013.

#### **Key issues**

3. Most graffiti within the City of Melbourne is removed through Council's Graffiti Removal Services Contract although graffiti removal is also undertaken as a part of separate contracts within parks and gardens and the maintenance of Council owned buildings.
4. Graffiti on private property in major pedestrian areas is a reoccurring problem. In the 2012-13 financial year 36,000 square metres of graffiti was removed across the municipality.
5. The Plan emphasises the need for a continued multi-faceted approach to graffiti removal. This includes a mix of education, engagement, artistic opportunities, enforcement and evaluation. As part of the multi-faceted approach, graffiti will continue to be removed as quickly as possible particularly in highly pedestrianised areas.
6. The Plan recommends that the City of Melbourne continues to invest in its current graffiti removal program because existing research suggests that graffiti can have a negative impact on community perceptions of safety and public amenity.
7. The Plan details an enhanced role for the City of Melbourne in fostering street art in designated areas noting that the number of street art images present within the municipality continues to grow. Helping street art to flourish offers an alternative to graffiti by linking young people to creative outlets.

#### **Recommendation from management**

8. That the Future Melbourne Committee:
  - 8.1. approves the release of the draft Graffiti Plan 2014-2018 for public comment
  - 8.2. notes that the final draft of the Graffiti Plan 2014-2018 will be presented to the Future Melbourne Committee for consideration in March 2014.
  - 8.3. authorises the Director City Planning and Infrastructure to make any further minor editorial changes to the Plan prior to publication.

#### **Attachments:**

1. Supporting Attachment
2. (Draft) Graffiti Plan 2014-2018

## **SUPPORTING ATTACHMENT**

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### **Legal**

1. There are no legal implications in the adoption of the recommendation from management.

### **Finance**

2. There are no immediate financial implications in the adoption of this report. Budget requirements will be addressed in the normal manner for budget approval.

### **Conflict of interest**

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

### **Stakeholder consultation**

4. Preliminary consultation has been undertaken with members of the Victoria Police, some residents from Hosier Lane and some street artists.
5. It is intended that the consultation for the Plan has as its starting point that graffiti has a negative impact on city amenity and that 'permission' is the cornerstone of effective graffiti management. In this way, Council will not be engaging with the community about the relative merits of graffiti.
6. Consultation will be held with street artists, other relevant stakeholders and the general community.

### **Relation to Council policy**

7. The 2014-2018 Council Plan commits the Council to safe, high quality and well-used public spaces and places. It also notes that the City of Melbourne should foster its "growing reputation as the centre for vibrant artistic and cultural life".

### **Environmental sustainability**

8. There are no environmental implications in the adoption of this report.

## [DRAFT] GRAFFITI MANAGEMENT PLAN 2014 - 2018

### INTRODUCTION

1. The 2014-2018 Council Plan commits the City of Melbourne to developing, “safe, high quality and well-used public spaces and places.” It also commits to fostering its “growing reputation as the centre for vibrant artistic and cultural life”<sup>1</sup>.
2. Although research into the impact of graffiti is limited, recent research suggests that, “graffiti can have a negative impact on community perceptions of safety and public amenity”<sup>2</sup>.
3. For the purposes of this Plan, graffiti is defined as “writing or drawings scribbled, scratched or sprayed illegally on a wall or other surface in a public place”<sup>3</sup>. The main type of graffiti is tagging. A ‘tag’ is a calligraphic signature. Most tagging within the City of Melbourne is written in paint but also with chalk, oil based crayons and felt tip pens<sup>4</sup>. For the purposes of this Plan, street art is excluded from the definition of graffiti.
4. Street art is more elaborate than graffiti and includes painted works using aerosol cans, cardboard and paper ‘paste ups’<sup>5</sup> as well as stencils.
5. Graffiti Management Plan 2014-2018 replaces Graffiti Management Plan 2009 – 2013.

### BACKGROUND

6. The foundation of the City of Melbourne’s graffiti removal program is ‘permission’. If graffiti has been placed on building facades and infrastructure without the permission of the owner or occupier<sup>6</sup>, then with the support of the owner/occupier, the City of Melbourne will arrange for its removal as quickly as possible.
7. If not regularly removed, graffiti would likely be present on most building facades within the City of Melbourne.

#### ***Criminal Offences***

8. In the State of Victoria it is unlawful to:
  - 8.1. Create graffiti on property if the graffiti is visible from a public place, unless you have the owner’s consent.
  - 8.2. Create offensive graffiti that is visible from a public place if that graffiti would offend a reasonable person.
  - 8.3. Stick or post any kind of signs, poster, sticker, paper on any part of building, wall, vehicle, structure or a tree, unless you first get the permission of the owner.<sup>7</sup>
9. Under the Graffiti Prevention Act, local government has the jurisdiction to remove graffiti and street art from public and private property with the written permission of the owner/occupier.

<sup>1</sup> Council Plan 2013-2017. City of Melbourne. P.11

<sup>2</sup> Australian Government. Institute of Technology. Research in Practice. No. 6 2009, P. 1

<sup>3</sup> Oxford Dictionary definition. The Graffiti Prevention Act defines graffiti slightly differently as, ‘write, draw, mark, scratch or otherwise deface property by any means so that the defacement is not readily removable by wiping with a dry cloth.’

<sup>4</sup> Graffiti Prevention Act, Victoria. 2007. P. 4

<sup>5</sup> Other less prevalent forms of graffiti include scribbling and the writing of slogans and for the purposes of this Plan have been included under the generic name of ‘tagging’.

<sup>6</sup> Paste-ups are acknowledged as a form of contemporary graffiti by Christine Dew in her book ‘Uncommissioned Art’ 2007.

<sup>7</sup> Unless it is on a façade that is registered as a heritage site.

<sup>8</sup> Graffiti Prevention Act, Victoria. 2007. P. 4

Where a form cannot be instantly signed, it is left at a building and owners/occupiers are usually given 10 days to object if they don't want the graffiti removed.

10. According to Victoria Police crime statistics, although 25 per cent of alleged offenders within the Melbourne local government area are aged 20 or over, the vast majority of offenders are 19 years or younger. See Table One below.

	2009-10	2010-11	2011-12
10-14	15	7	10
15-19	99	57	57
20-24	13	21	19
25-29	6	26	14
30-34	6	6	5
35-39	0	9	3
<b>Total</b>	139	126	108

*Table One - Victoria Police, Region One statistics – People charged with graffiti offences.*

### ***The Current Service – Graffiti Removal***

11. Administered through the Graffiti Removal Services Contract, dedicated graffiti removal vehicles were introduced in October 2010. The graffiti vans focus on areas of high pedestrian usage (eg. central city, Lygon Street, Rathdowne Street, Errol Street, Domain Road, Macaulay Road and Belair Street) but also remove graffiti from the entire municipality. Graffiti is removed as a free service. Residents and businesses are encouraged to report graffiti visible from public spaces so as it can be removed as quickly as possible.
12. The trend over the first two years of the Graffiti Removal Contract was for a lower quantum of graffiti removed but more graffiti related incidents. (See *Table 2* below). The contract is four years with an option for a further two years.

	October 2010- October 2011	October 2011-October 2012
<b>Graffiti removed</b>	46,000 m2	38,000 m2
<b>Number of jobs</b>	5551	6846

*Table Two –Graffiti Removal<sup>8</sup>*

13. In the 2012 calendar year, the City of Melbourne had 358 requests to remove graffiti. This compares with 277 in 2011. The higher number of requests suggests a growing recognition of the value of the removal program. While this is a relatively small number of requests, the City of Melbourne removal program includes surveillance and it is as a result of this surveillance that most of the graffiti is removed. Because a graffiti removal permission form lasts for 12 months, graffiti is often taken off a building before a request is made.
14. Free removal does not apply to buildings occupied by Federal or State Government departments, energy, transport or telecommunication companies and educational institutions. The City of Melbourne works with these agencies to get them to remove the graffiti themselves. However graffiti may be removed from these assets if they are in a laneway or street where the City of Melbourne is in the process of removing other graffiti. This occurs when not removing this graffiti would spoil the effect of an otherwise graffiti free street or lane.
15. The City of Melbourne removes graffiti in the public space because it has a negative impact on the amenity and presentation of the municipality. Graffiti removal is part of good municipal management – in the same way as street cleanliness and the collection of dumped rubbish.

<sup>8</sup> These figures are from the Graffiti Removal Services Contract which does not yet include removal of graffiti from parks or Council owned property. It includes a small component of poster removal.

### ***Street Art in Melbourne***

16. The distinction between street art and graffiti can be blurred. A small number of tags are also done elaborately. A tag can be encased within a broader framework. Also known as 'pieces', these works are a type of street art.
17. Some 'throw-ups' [ie. bubble style painted works with an outline and a colour fill-in] fit into this category. Street art is subject to the same laws of permission as graffiti and, unless there are heritage implications, will always be promptly removed if requested by the property owner or managing agent. Property owners and occupiers are more likely to seek the removal of 'throw-ups' or crude 'pieces' than more elaborate street art.
18. In Melbourne, street art is associated with the beautification of dull spaces such as the rear of buildings that adjoin laneways. Long standing street art sites such as 'Blender Lane', Hosier Lane and Centre Place are visited regularly by residents, visitors and tourists. The work is often photographed. Some of the work undertaken by street artists is recognised internationally for its artistic merit. Street art is a celebrated part of the City of Melbourne's cultural fabric.
19. In 2007, a street art permit system was established by the City of Melbourne. Through the system, property owners and artists applied to have a designated wall or infrastructure approved for a street art (mural) in a public space. The permit system was established to provide a legal framework for street art. Between 2007 and 2012, twenty seven applications were approved to display street art. There are a number of other sites around the municipality where street art has been retained by property owners/occupiers without a permit.
20. In 2008, the City of Melbourne established the Union Lane project by commissioning artists to paint a huge mural on either side of the laneway with help from committed young people. Since its establishment, the street art content within the laneway has been regularly refreshed. The laneway used to attract very few pedestrians but is now a pedestrian walk through to Bourke Street Mall with many visitors pausing to take photographs.
21. The Union Lane project has allowed street art teaching to have a practical base with young people able to try out new designs in an area where their work can be viewed alongside more recognised street artists. Rutledge Lane is being used informally by fledgling street artists. In Rutledge Lane, Signal<sup>9</sup> is engaging with young people to encourage them to respect the space.
22. In 2012, the City of Melbourne commissioned the cataloguing of the most significant street art sites within the municipality<sup>10</sup>. Through this study, 100 works were photographed noting the time they were created, the artist (where known) and their location. Since this study was undertaken some works have deteriorated significantly.
23. More recently, street artists have been working with local residents and the City of Melbourne to manage the street art building facades in Hosier and Rutledge Lane. This collaborative arrangement is providing benefits for the local area. Likewise a collaborative arrangement to improve the quality of street art is being formed with RMIT and some local businesses in Little Latrobe Street between Swanston and Russell Street. Partnerships are also being established with local businesses in Degraes Place with a view to refreshing the street art in this area of the central city.

<sup>9</sup> Signal is a creative art space for young people aged between 13 and 20 years.

<sup>10</sup> Dr. Lachlan MacDowall, University of Melbourne. The City of Melbourne Significant Street Art Project. April 2012

## GRAFFITI PREVENTION

### *Removal*

24. A multi-faceted approach to graffiti prevention is crucial. While there continues to be graffiti in areas of the municipality, regular surveillance and removal as part of this broader program is gradually reducing this amount.

**Graffiti within the City of Melbourne will continue to be removed from public and private assets as soon as possible.**

**With permission, the City of Melbourne will continue to remove graffiti from third party assets in key pedestrian areas when it is expedient.**

25. The problem is that graffiti keeps returning. The City of Melbourne will continue to invest in its current graffiti program which includes quick removal as the lynchpin of its efforts to prevent further graffiti. This quick removal approach is based upon our experience that:
- 25.1. The quicker graffiti is removed, the less likely people will re-graffiti in the same area. This is because for many people it is dispiriting to see a tag removed so quickly after it was placed.
- 25.2. The presence of graffiti encourages others to place tags in the same area.
26. The City wishes to create an environment where people will not come here to do graffiti. Our task is made harder because as a capital city we attract people from many different suburbs. Crime statistics indicate that only 10 per cent of people placing graffiti within the municipality actually live here. Population projections are for higher numbers of residents and visitors in key pedestrian areas within the City of Melbourne in the future. It is unclear if these projections will influence the amount of graffiti.
27. Graffiti will continue to be removed within one working day of it being observed in the most heavily pedestrianized areas of the municipality and within five working days in other areas. This will be built into relevant City of Melbourne contracts [subject to timely permission being received]<sup>11</sup>. Graffiti on City of Melbourne assets will also be removed within one working day.
28. The 2009 Graffiti Plan committed the City of Melbourne to merging the different graffiti contracts within the organisation into one single contract. Since 2009, removal of graffiti from art works has been incorporated into the Graffiti Removal Services Contract.
29. Graffiti removal from City of Melbourne owned and managed properties and buildings within parks and gardens will be added to the existing contract in 2014 at the expiry of these existing contracts. This important step allows for a consistent whole of organisation approach to graffiti removal. The exception will be where graffiti can be cleaned off as part of general asset cleaning. For example, graffiti on smaller street furniture items and signs.
30. The aim is to be significantly trending downwards in both number of jobs and graffiti removed over the life of the Graffiti Removal Services contract. This will validate the quick removal approach.

**In main pedestrian areas, graffiti will continue to be removed within 24 hours of it appearing.**

31. Continued Victorian Police support for the enforcement of the Graffiti Prevention Act is also important. The City of Melbourne will continue to photograph all graffiti and make the images and other information such as location available to the Victoria Police. This allows the

<sup>11</sup> Getting quick removal permission can sometimes be difficult. For example when a building is vacant or when an occupier feels compelled to get an owner to sign a form when the owner may be interstate or overseas.

municipality to track persistent graffitists. Data sent to the police will be used for detection and evidence. A strong partnership with the Victoria Police plays a role in reducing graffiti.

**The City of Melbourne will work with Police to help identify persistent graffitists.**

### ***Graffiti Education***

32. A Graffiti Education Program is offered to all primary and secondary schools within the municipality. 15 secondary and nine primary schools participated in the Program. The program uses role playing scenarios to get messages across about the illegality of graffiti writing and the possible penalties as well as emphasising the opportunities for legal street art work. Many of the benefits of this program are not immediately apparent, but feedback from school students and teachers has been very positive. The program will continue to be supported. The program has operated since 2008 with the same workshop script. The workshop script should be reviewed to check its continued relevance and effectiveness.
33. The Education Program complements a Graffiti Mentoring Program run by Signal that teaches young people about the benefits of and opportunities for legal artwork.

**The City of Melbourne will continue to offer graffiti education programs in municipal primary and secondary schools. The current program script will be reviewed.**

### ***Supporting Street Art as a Graffiti Reduction Tool***

34. This Plan outlines ways of consolidating street art within the municipality of Melbourne. This is because as well as being a cultural benefit for the municipality, street art provides an alternative to graffiti. For example, street art has been used to embellish two post boxes within the central city. These boxes are very seldom graffitied. Graffiti has also stopped in some laneways where street art has been allowed to remain<sup>12</sup>. In other laneways, graffiti and street art can be seen together. These laneways require the street art to be continually refreshed<sup>13</sup>. The City of Melbourne will discuss extending this program to VicRoads signal boxes which are heavily graffitied.
35. The idea is to take the illegality out of independently spirited work and to better link young people to artistic opportunities within the local community. For this reason, the City of Melbourne, while recognising that most street art is placed illegally, will not enforce the same quick removal policy for this medium.
36. Five of the 100 most significant pieces of street art identified earlier are in AC/DC Lane. The western wall of AC/DC Lane contains tattered paste-ups depicting members of AC/DC musical group. This work needs to be refreshed in discussion with stakeholders interested in and involved with the laneway. Stevensons Laneway (which has some significant street art) but poor amenity would also benefit from a collaborative community approach. This laneway is a part of the City of Melbourne's 'Love Your Laneway Program' and the advice of street artists will be sought to make this laneway more attractive. Other laneways with significant street art such as Centre Place, 'Blender' Lane, Canada Lane, Finlay Alley and Croft Alley seem to function well with little or no interaction with the City of Melbourne.
37. If street art is to continue to flourish within the municipality, the City of Melbourne must show leadership and a continued willingness to collaborate and form productive partnerships with street artists, businesses and residents.

<sup>12</sup> Turner Alley and Turnbull Alley are examples of laneways where allowing street art in the laneway has coincided with a reduction in graffiti.

<sup>13</sup> This includes publicly visible laneways such as Hosier Lane and Union Lane that regularly attract taggers as well as street artists.

**The City of Melbourne will assist street art to flourish through collaboration with other interested parties.**

38. Some street art and tagging of street art sites (mainly Union Lane, Hosier Lane, and Rutledge Lane) occurs without the permission of the owner<sup>14</sup>. Some young people have been interviewed by the police for placing graffiti or street art in Hosier and Union Lane. According to police members these young people had wrongly thought that these sites were legal, free walls. Informally, for some years young people have been sent to Rutledge Lane to ‘practice’ street art. A possible way to end this confusion is to ask the owners to give general permission for street art to take place on these building facades. This acknowledges a current reality. This issue will be explored further in conjunction with Victoria Police, street artists and other stakeholders. The building facades in these laneways continue to attract graffiti as well as street art. The City of Melbourne will collaborate with street artists to continually refresh these building facades.

**The City of Melbourne in conjunction with other stakeholders will explore the value in seeking general owner permission in Rutledge Lane and Union Lane and Hosier Lane for street art to be placed on adjoining building facades.**

39. The City of Melbourne will establish the following process for managing street art within the City of Melbourne:
- 39.1. New street art permits will be negotiated for the use of Union Lane, Rutledge Lane and parts of Hosier Lane (subject to agreement with other stakeholders such as the police and the street artists).
  - 39.2. The existing street art permits will be allowed to expire except for specific sites as indicated above. With the owner having the right under Victorian Law to choose if graffiti should remain on their building facades, this does not materially change the current arrangement.
  - 39.3. Reactive street art removal. Providing the street art is not obscene, it will only be removed if *requested* so by the owner, owner’s representative (eg. managing agent) or occupier. Under the previous policy the owner/occupier was to be *approached* and asked if they want the street art removed. If they wanted it to stay, they were asked to sign a street art application form.
  - 39.4. If a person contacts the City of Melbourne wanting street art installed on their property the City of Melbourne will refer them to the internet where there are many examples of local artists’ work<sup>15</sup>.
  - 39.5. If a street artist contacts the City of Melbourne wanting access to a building façade to do work they will be asked to contact the property owner or referred to existing street art sites.

**The administrative process for managing street art within the City of Melbourne as outlined in this Plan will be adopted.**

**The City of Melbourne may occasionally commission larger street art works.**

40. The City of Melbourne may commission larger street art works in strategic locations. These works may be commissioned through the City of Melbourne’s Public Art Program subject to budget.

### ***Managing Offensive Graffiti***

<sup>14</sup> Recently in Union Lane, two European street artists known as ‘Herakut’ did a major piece of unsolicited work.

<sup>15</sup> Note that some building facades are protected by heritage controls and in these cases a planning permit would be required.



41. When the City of Melbourne believes that graffiti is obscene or offensive, it will continue to quickly remove this work through negotiation with the owner or occupier. To assess obscene graffiti, the City of Melbourne will be guided by an excerpt from Australia's advertising code<sup>16</sup> which states that, "*communications to children must not portray images or events in a way that is unduly frightening or distressing to children; and must not demean any person or group on the basis of ethnicity, nationality, race, gender, age, sexual preference, religion or mental or physical disability*".
42. The appropriateness of images to children is relevant because this graffiti is located within the public space.

**In judging obscenity and offence with regard to graffiti and street art, the City of Melbourne will be guided by advertising standards that relate to children.**

43. The City of Melbourne will continue to fund Signal to regularly refresh the Union Lane building facades with new street art and to work with young people to encourage them to undertake street art work as opposed to graffiti. Signal is also encouraging people visiting our municipality to seek street art opportunities within the municipality in which they live. For example, a number of young people are visiting the municipality to do graffiti that live in the City of Hume. It is important that this work continues to be financially supported. The City of Melbourne will continue to help facilitate collaboration between street artists, residents and businesses in Hosier and Rutledge Lane to manage these spaces well.
44. Protection of street art is not practical. The only exception may be especially commissioned works. Within the list of 100 significant street art sites photographed in 2012, some have already degraded.<sup>17</sup> Other sites have been painted over by other street art. For example, 'The Joker' in Hosier Lane<sup>18</sup>. In one laneway, a local property owner placed a perspex cover over some significant street art. This was vandalised and the work destroyed. By its nature, street art within the City of Melbourne is ephemeral – it is not meant to last. Archival of works through high quality photography is a more effective preservation strategy. A three yearly photo catalogue of significant new street art will be considered as an alternative to preservation.

**The City of Melbourne will not take any measures to preserve street art.**

**A further survey of significant street art will be considered.**

45. There are no examples of street art in major streets within the retail core such as Swanston or Collins Street. It is part of Melbourne's charm that street art is currently celebrated in smaller streets and lanes. A property owner may decide in the future to place street art in a major street. If this occurs, the City of Melbourne will work with them to make sure that the work is of a high quality befitting such public locations. Lesser works may detract from the general amenity of these high pedestrian areas and would be removed through negotiation with the property owner/occupier.

**Street art will be removed through negotiation with the property owner/occupier if the City of Melbourne believes it detracts from the local amenity due to its location.**

## CONCLUSION

46. The City of Melbourne plans to reduce graffiti within the municipality through a mix of education, engagement, artistic opportunities, enforcement and quick removal while encouraging the production of quality street art by forging strong partnerships with relevant stakeholders.

<sup>16</sup> Excerpt from 'Australian Association of National Advertisers - Code for Advertising & Marketing Communications to Children'.

<sup>17</sup> For example, a paste-up, 'Female Figure' by Miso in Crossley Street has lost most of its shape.

<sup>18</sup> This piece by Owen Dippie was in Hosier Lane for approximately 10 months before being painted over in April 2013.