



GRAFFITI MANAGEMENT PLAN 2009

Draft for Consultation

April 2009

Graffiti Management Plan 2009 Community Consultation

The City of Melbourne introduced its first Graffiti Management Plan in 2005.

As the Plan's key actions have now been implemented, it's time to review and update the Plan.

We are seeking feedback from the community on this draft Graffiti Management Plan 2009.

How do I have my say?

We welcome any comments about this proposed new Graffiti Management Plan 2009.

You can make comments by writing us a letter and sending it to:

City of Melbourne
PO Box 1603
Melbourne VIC 3001

You can also email us your comments by visiting
www.melbourne.vic.gov.au/contactus

When are my comments due?

All comments need to be received by **Friday, 15 May 2009**.

If you want us to keep you informed about the outcome of this consultation, please email us your details by visiting
www.melbourne.vic.gov.au/contactus

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INTRODUCTION	2
A SNAPSHOT - GRAFFITI IN THE CITY OF MELBOURNE	3
<i>Removing Graffiti.....</i>	<i>3</i>
<i>Victorian Government Legislation</i>	<i>4</i>
THE PROGRAM.....	5
ERADICATION.....	5
<i>Removal Plan.....</i>	<i>6</i>
<i>Removal Times - Council Assets</i>	<i>6</i>
<i>Removal Times - Private Property.....</i>	<i>6</i>
<i>Preventative Programs</i>	<i>7</i>
<i>Graffiti on Government and Government Contractor Buildings</i>	<i>7</i>
<i>Department of Justice.....</i>	<i>7</i>
ENGAGEMENT	7
<i>The Current Program</i>	<i>7</i>
<i>Building Relationships.....</i>	<i>8</i>
<i>Continuing the Mentoring Program.....</i>	<i>9</i>
EDUCATION.....	9
<i>The Current Program</i>	<i>9</i>
ENFORCEMENT	9
CONCLUSION.....	10
EVALUATING THE SUCCESS OF THIS PLAN	10

INTRODUCTION

1. The word 'graffiti' means writing or drawing on walls without permission¹. There are four main types of graffiti within the City of Melbourne although there are other forms of graffiti such as 'paste ups' and stickers². These are:
 - 1.1. *tags* which can be written or etched on almost any surface using implements such as pens and spray cans. This is the most common form of graffiti;
 - 1.2. *pieces* which are large, mural-style works that may incorporate a signature;
 - 1.3. *slogans* which are word(s) describing an issue;
 - 1.4. *stencils* where a template is made and a design spray painted on to a wall.
2. Community concerns about the presence of graffiti include:
 - 2.1. **it has a negative impact on the presentation of a city.** The majority of people would agree that most graffiti is unattractive;
 - 2.2. **the cost of removal.** Graffiti is a particular problem for traders who find repetitive cleaning leads to frustration and higher costs;
 - 2.3. **it adds to a community perception of disorder.** Unchecked graffiti in a neighbourhood can send a signal that the authorities (such as police and local councils) are not managing the environment properly.³
3. There are different reasons why people put graffiti on walls and other infrastructure. These include:
 - 3.1. people seeking recognition from peers (especially people who mostly do tagging);
 - 3.2. a response to boredom or social outlet;
 - 3.3. thrill seeking linked to risk taking behaviour;
 - 3.4. an outlet for artistic expression.
4. There is no typical demographic for writers although according to Victoria Police crime statistics, under 19 years-olds represented nearly 80 per cent of all alleged offenders apprehended for graffiti-related offences in 2006–07⁴. This supports the view that tagging is most frequently done by teenagers, while street art, stencilling and slogan writing is often done by people in their late teens and twenties.
5. Some people who originally did graffiti tagging have moved to doing large, intricate murals in a 'hip-hop' style. Some of these are located in areas of the CBD such as Hosier Lane, Caledonian Lane and Centre Place. Some of the work undertaken by these people is recognised internationally for its artistic merit. Many people visit these areas each year to view and photograph this work.

¹ The Victorian Government define graffiti as "any form of writing, drawing, marking, scratching or otherwise defacing property by any means so that the defacement is not readily removable by wiping with a dry cloth. Some graffiti is legal (for example, a mural painted by street artists at the express invitation of a council), but mostly it involves markings applied to a surface without the property owner's consent". Graffiti Prevention Act, 2007

² A 'paste up' in graffiti terms is piece of paper or cardboard in which items are pasted to form a design and then stuck to a wall.

³ Adapted from Victorian Government, Department of Justice website. The website also includes 'community perception of safety' and exposure to health impacts and injury as reasons for the community to be concerned about graffiti.

⁴ Department of Justice Victoria website

6. The City of Melbourne recognises there is widespread concern about graffiti within the municipality. At the same time, murals attract tourists and visitors to the municipality and contribute to its vibrancy. This Plan distinguishes between the need to remove unwanted graffiti applied without permission and murals placed on walls and infrastructure with the blessing of property owners.
7. This Plan is built around the four 'E's' – eradication, engagement, education and enforcement. A section has been written about each element.

A SNAPSHOT - GRAFFITI IN THE CITY OF MELBOURNE

Removing Graffiti

8. Most of the graffiti in the municipality is on commercial private property. There is also graffiti on property owned by Government departments, utility companies and transport operators. This includes assets owned or managed by VicRoads, Connex, VicTrack, Yarra Trams and Telstra. Council and VicRoads have a contractual arrangement for the regular removal of graffiti on 104 traffic signal boxes in the CBD.
9. The City has a budget for contractors to remove graffiti on its own property (this includes roads, footpaths, street furniture, sculptures, artworks, bridges, public buildings and parks and gardens and Council's administrative buildings).
10. In a 12 month period from 1 July 2007 to 30 June 2008, Council arranged for the removal of 23,000 square metres of graffiti mostly from private property. This comprised of:
 - 10.1. 14,800 square metres removed by Council;
 - 10.2. 6,200 square metres removed by owners/ occupiers through the use of free paint and cleaning agents provided by Council and;
 - 10.3. 2,000 square metres removed by people on Community Service Orders through arrangement with the Department of Justice⁵.
11. Since 2006, Council has undertaken audits to track the amount of graffiti present within the CBD and major non-CBD pedestrian areas within the municipality. The audits show a recent decline in the amount of graffiti present. (See *Table One* below).

⁵ A Memorandum of Understanding signed with Corrections Victoria that sets out conditions under which offenders on correctional services orders remove graffiti from infrastructure within the City of Melbourne has been operating since April 2007.

Date of Audit	Amount of Graffiti (Sq. metres)	Number of sites
March 2006	9,200	790
November 2006	11,300	1594
April 2007	12,550	1026
April 2008	7,800	1265

Table One – results of graffiti audits.

12. The City of Melbourne's expenditure on graffiti is listed below⁶.

YEAR	EXPENDITURE
2007/08	500,000
2006/07	500,000
2005/06	500,000
2004/05	\$250,000
2003/04	\$250,000
2002/03	\$286,000
2001/02	\$358,000

Table Two – Spending on graffiti over the past seven years (figures rounded).

Victorian Government Legislation

13. The Graffiti Prevention Act became law on 30 June 2008. The Act creates six new offences. These are:

- 13.1. retailers cannot sell a spray paint can to a minor unless the minor can demonstrate that they need the paint for employment purposes;
- 13.2. retailers cannot advertise a graffiti implement as being for sale if it is likely to promote graffiti;
- 13.3. a person cannot mark graffiti on property without the owners consent;
- 13.4. a person cannot mark graffiti that would offend a reasonable person;
- 13.5. a person cannot possess graffiti implements on or near public transport infrastructure or when they are trespassing; and
- 13.6. a person cannot possess a graffiti implement with the intention of marking graffiti.

⁶ Note this figure does not include removal of graffiti on Council buildings, on street furniture (eg. seats) or in parks. These figures are unavailable because the work is undertaken by contractors and the price of the work is not itemised – ie. it is listed as part of broader maintenance work.

14. The new Act prevails over contrary provisions in the City of Melbourne's Activities Local Law ("Principal Local Law") which until now has governed the management of both street art and graffiti within the municipality. The commencement of the Act establishes a new regime for the removal of graffiti by Councils on private property where the graffiti is visible from a public place. Council can no longer require the removal of graffiti under the Principal Local Law. There is also a 10-day written notice period required before graffiti is removed where property access is not required (ie. where the graffiti is on the outside of a wall and can be removed by standing in the public space);
15. The new Act requires Council to give 10 days notice to a property owner/occupier of intention to remove graffiti from a place that is publicly accessible - and if they say no, we can't remove it - if they are silent, we can remove after the 10 day period has elapsed.
16. Under the new Act, the City of Melbourne can authorise officers to issue fines to people who have sold spray paint cans to minors when the cans are not required for employment purposes.

THE PROGRAM

ERADICATION

17. Public opposition to graffiti is focused on tagging –most graffiti within this municipality is tagging. Although other graffiti will also be removed, the City of Melbourne's graffiti removal will concentrate on removing tags.
18. The removal of graffiti within the City of Melbourne is governed by two factors. These are:
 - 18.1. permission. If graffiti has been placed on walls and infrastructure without the permission of the owner or occupier, then the City of Melbourne will arrange for its removal as quickly as possible. If permission has been received from the owner of a building or their representative, then it may lawfully remain on a wall or piece of infrastructure;
 - 18.2. the public space. The graffiti must be visible to people passing by.
19. When larger works (either painted, pasted or in stencil form) are found and the artist has placed it there with the permission of the owner or is seeking the owners permission, an opportunity will be given for the artist or owner/occupier of a building or infrastructure to apply for a street art permit. If the owner/occupier of the building does not want it there, it will be removed. Removal contractors will be instructed not to remove mural type works before an opportunity has been given to apply for a street art permit where appropriate.

⁷ Where access is required – ie. across private property or where the graffiti is on carpark wall, 28 days notice of intention to remove is required and the owner must have consented in writing to removal and property entry.

Removal Plan

20. So as to remove more graffiti, quicker, the City of Melbourne will change its removal plan. Instead of issuing property owners/ managers with free cleans and removal kits, it will, with the cooperation of property owners, arrange to remove all graffiti on sight at its own cost through the use of dedicated graffiti removal resources. 'On sight' removal will concentrate on areas of high pedestrian usage such as the CBD, Lygon Street, Rathdowne Street, Errol Street, Domain Road, Macaulay Road and Belair Street in Kensington. There will be no limits to the amount of times graffiti can be cleaned from the same property. The free removal will not apply to buildings occupied by Federal or State Government departments, energy, transport or telecommunication companies and educational institutions.

21. This will involve the following action:

- 21.1. placement of a tender for a recognised graffiti removal company to be on call to remove graffiti from property;
- 21.2. the branding of the vehicle/vehicles so as their role is clearly understood by the public as they travel around the municipality;
- 21.3. sending a letter to property owners/occupiers in the CBD and major pedestrian areas outside the CBD asking them to return a permission form that allows the City of Melbourne to remove graffiti from their property the moment it is seen⁸.

Removal Times - Council Assets

22. Graffiti on City of Melbourne assets will be removed within three days of notification. This will be built into future Council contracts. Graffiti on Council assets that is obscene, racist or otherwise offensive will be removed within 24 hours of notification.

Removal Times - Private Property

23. When adopting the removal plan outlined above, Council must provide written notice to the owner/occupier of their intention to remove graffiti. When entry to the property is not required (as in most cases), a 10 day period of notice applies. After writing to the owner/occupier, Council has two options:

- 23.1. if a reply comes back quickly, remove the graffiti before the 10 day period expires;
- 23.2. if there is no reply, remove the graffiti at the end of the 10 day period.

24. The way to manage permissions within an effective removal plan is to get permission forms signed as quickly as possible.

25. The removal of obscene or offensive graffiti will be fast-tracked through immediate contact with the property owner or their representative. The Racial and Religious

⁸The Act will allow Council to use the same form to remove subsequent graffiti for a period of at least 12 months.

Tolerance Act (2001) may be used to support fast removal. The Act makes it illegal to write racist graffiti in public places.

Preventative Programs

26. Programs such as the Graffiti Small Grants Scheme where property owners can receive up to \$2,000 to introduce preventative graffiti measures such as anti-graffiti coating and climbing plants to mask graffiti will still be supported. A Graffiti Field Officer will be available to advise businesses on ways of reducing the likelihood of repeat graffiti through Crime Prevention through Environmental Design (CPTED).

Graffiti on Government and Government Contractor Buildings

27. The City of Melbourne will continue to work with Government departments and other agencies (eg. utilities, phone companies) to negotiate the removal of graffiti from their assets.

Department of Justice

28. A successful partnership has been developed with the Department of Justice (Corrections Victoria) to employ people on community based orders to remove graffiti. It is important this useful partnership continues.

ENGAGEMENT

The Current Program

29. A Street Art Program was established in 2007. Through the Program, property owners and artists applied to have a designated wall or infrastructure approved for street art (mural) in a visible public space. A Panel comprising a police representative, community representative and Council Officers was appointed to assess applications. 21 applications have been approved to display street art for a three year period.

30. Most of the approved street art has been completed in a 'hip-hop⁹' cultural style. The program is important because it offers creative opportunities and as an alternative to tagging it has a preventative component as well. The idea is to take the illegality out of independently spirited work and to better link young people with the local community.

⁹ Hip hop culture has been placed in an urban youth sub-culture linked to dance, music and forms of graffiti.

31. The City of Melbourne also established a Graffiti Mentoring Program in 2007 directed at people aged between 13 and 25. *The Street Art Project in Union Lane 2008* was the most significant work undertaken by the Project. The laneway is in a high profile site within the heart of the Melbourne's retail hub, has no activity within it and was becoming increasingly uninviting and heavily tagged. The mural spans 540 square metres on both sides of Union Lane. Although the mural has had tagging on it, it has brightened the laneway and brought people to it. More than 80 people participated in the project.
32. The Street Art Program and the Graffiti Mentoring Program will continue to be supported.

Building Relationships

33. More work will be done building partnership with:
 - 33.1. construction companies. Many building sites around the CBD have large hoardings that are the target of graffiti taggers. Street artists will be invited to carry out work on the hoardings which surround building sites;
 - 33.2. art galleries. The City of Melbourne will work with art galleries to place work done originally stencilled on walls or legal street art sites. This will provide an incentive to artists to improve their work;
 - 33.3. VicRoads. The City of Melbourne is arranging a partnership with VicRoads to place street art on 100 signal boxes within the municipality. If this project is success, the City of Melbourne will approach VicRoads to extend it to more signal boxes;
 - 33.4. Neighbouring municipalities. Occasional meetings are a way of sharing new ideas and helping to manage graffiti problems that are on the edge of municipal boundaries.
34. The City of Melbourne needs to continue to build relationships with building owners, agents and occupiers to:
 - 34.1. keep them informed about graffiti prevention techniques,
 - 34.2. the City's removal program;
 - 34.3. options regarding removal or retention of the graffiti including Crime Prevention through Environmental Design (CPTED) principles, and;
 - 34.4. the Street Art Program.
35. In the past the City of Melbourne has found it difficult to get Government authorities and non-Government agencies such as utilities to quickly remove graffiti from their properties. Successful graffiti removal depends upon the City of Melbourne continuing to develop relationships with maintenance managers and contract staff who arrange for this removal.
36. The option of further partnership arrangements (eg. similar to the VicRoads arrangement) will also be sought.

Continuing the Mentoring Program

37. The mentoring program is part of a package of initiatives that give young graffitiists an alternative to illegal work. It complements the school education program (see 'education' section below) by teaching young people about the costs of illicit graffiti and the benefits of and opportunities for legal artwork. The program will be extended to establish more exhibition opportunities for young people with local galleries. The 'signal' youth space will be used to offer other opportunities to showcase art work prepared by young people in a hip-hop or graffiti style.

EDUCATION

The Current Program

38. A Graffiti Education Program has been offered to all primary and secondary schools within the municipality. In 2007/08, six 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.
39. Many of the benefits of these programs are not immediately apparent. The program should continue to be supported.
40. The City of Melbourne will improve its communication regarding its approach to graffiti management. This will concentrate on educating people about the need to obtain permission before using public or private property. The City of Melbourne hotline will be used to reinforce these messages.
41. The City of Melbourne will make details of the Graffiti Prevention Act and its penalties known.

ENFORCEMENT

42. As part of undertaking audits of graffiti within the municipality, 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. Photographs of the tagging signature of persistent offenders will also be sent to the Victoria Police. Data sent to the police is used for detection and evidentiary purposes.

CONCLUSION

EVALUATING THE SUCCESS OF THIS PLAN

43. The Graffiti Plan will be evaluated every 12 months with the overall success of the Plan measured three years after its adoption. Agreed measures for this evaluation are listed below. It is recognised that there are factors outside of the control of the City of Melbourne that influence whether or not there is a reduction in graffiti within the municipality. The measures below will still provide a strong indication of the success of this Plan.

44. The first measure of success will be to meet a target of reducing the amount of graffiti within the CBD and specified municipal pedestrian routes by 20% in the first 12 months following the adoption of the removal program outlined in the Plan and 50% over a three year period. To support the measurement of the target, an annual graffiti audit will be taken using the CBD and major pedestrian routes outside the CBD as the relevant area.

45. The success of the Plan will also be measured by:
 - 45.1. having 40 Street Art Program approved sites established by June 2010. As of January 2009, there are 22 sites;
 - 45.2. the same or less amount of graffiti being present in the area immediately surrounding a sample of five Street Art Program sites. Before and after photographs will be taken of each site and the immediate surrounding area to compare the amount of graffiti present;
 - 45.3. measuring the amount of graffiti not removed from City of Melbourne assets longer than 72 business hours after it has been reported. The target is zero.