



Graffiti Management Policy 2024-28

Bayside City Council proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respects to their Elders past, present and emerging.

Table of Contents

1. Introduction	3
2. Definitions.....	4
3. Responsibilities.....	5
4. Graffiti Management.....	7
4.1 Mitigation	7
4.2 Removal	8
4.3 Enforcement	9
4.4 Working Together	10
5. Compliance Considerations	12

1. Introduction

Bayside City Council is committed to providing safe, clean and welcoming public spaces. Our approach towards graffiti management is to remove illegal graffiti proactively and promptly. We work with the community to ensure our public spaces can be enjoyed by all who live, work and visit our city.

The aim of the Graffiti Management Policy 2024-28 is to deliver best practice graffiti management across Bayside City Council's municipality, taking into consideration Bayside's unique beach side environment and rich history with a public art and placemaking culture. The Graffiti Management Policy 2024-28 replaces the Graffiti Management Plan 2019.

Contractor removing graffiti



2. Definitions

Graffiti is the writing or application of any inscription, figure or mark on a wall or other surface. Such a mark may be painted, sprayed, etched, drawn, pasted, scratched or otherwise affixed.

Graffiti can include images, writing, posters, stickers and stencils, but is often word based and can span complex or abstract letter based designs that can be categorised as a tag, throwie or bomb.

Street art is a two-dimensional, visual art form presented on surfaces in public space. It can include murals, stencil painting, paste ups or sticker art, video projection, sculpture or material surface treatments.

If graffiti or street art is placed on a wall or other surface without the permission of the owner, it is classified as illegal graffiti or street art. If graffiti or street art is placed on a wall or other surface with the permission of the owner, and complies with planning and heritage regulations, it is classified as legal graffiti or street art.

Council supports the creation and commissioning of both Graffiti and Street Art, as a way to assist in the mitigation and education of illegal graffiti.

Council will only remove illegal graffiti or street art on Council owned property or assets and where funding has been provided for privately owned assets on a case by case basis.

Artist (VEINS) installing a mural



3. Responsibilities

Council will support the following graffiti removal services in our City:

- Remove graffiti on all Council assets including walls or fences abutting parks, reserves and carparks
- Act on graffiti removal requests within 2 business days
- Act on removal of any graffiti deemed offensive and / or obscene within 2 hours
- Offer alternatives to the graffiti removal services, including graffiti removal kits

Council will not support the following:

- Remove graffiti on outside of private commercial and residential property (walls and fences abutting parks, reserves and carparks are Council's responsibility)
- The removal of graffiti from locations with limited passive surveillance, such as vacant property or property under construction
- The removal of graffiti above three metres from the ground, or where such removal risks damage to the property or the environment, or the safety of the removal contractor
- The removal of graffiti where the contractor requires access into the private property
- The removal of graffiti on fencing or walls on council owned laneways, streets and roads

The Graffiti Management Policy focuses on the following four areas:

Mitigation: Increasing the focus on 'at risk' community members and implementing initiatives to minimise graffiti offending, as well as implementing alternative treatments to minimise graffiti offences;

Removal: Driving more timely and efficient removal of graffiti across the organisation. Individuals who have responsibilities for graffiti removal, take a more proactive approach to graffiti removal, coupled with increased support for private property owners and an enhanced graffiti reporting tool;

Enforcement: Improved capturing and reporting of graffiti incidence, coupled with building stronger relationships to support enforcement activities by the relevant organisations; and

Working Together: Increasing the centralised coordination of graffiti management within Council, stronger advocacy activities to ensure relevant stakeholders deliver their graffiti responsibilities, as well as increased Council communication / engagement with the local community.

Urban Canvas Mural Festival Hub 2023 - Graffiti Pilot
Program led by Bayside City Council



4. Graffiti Management

Bayside City Council is an energetically creative place, welcoming and alive with activity. We will harness this spirit and ensure that our community benefits from improvements in liveability achieved not only through graffiti removal, but also as a result of a wide range of successful graffiti mitigation techniques.

4.1 Mitigation

- 4.1.1 The installation of street art and graffiti murals at highly hit locations such as the several projects initiated in the Working for Victoria Program and the continuation of the Urban Canvas graffiti pilot program
- 4.1.2 Greening programs to obscure walls and enhance the local environment including landscaping, vegetation, planter boxes, green walls and decorative screens
- 4.1.3 Adapting design and surface choices on infrastructure to deter tagging activity
- 4.1.4 Improvements in lighting, including the use of motion activated sensor lighting
- 4.1.5 Programs to increase community engagement with, and ownership of, a space such as a laneway or community hub or space
- 4.1.6 Community education and mentoring programs are employed to educate all demographics in our community about graffiti and street art. Opportunities are also provided to the community to participate in and engage in legal graffiti and street art. Examples include the Warner Education Graffiti Program and the 90 Degrees Youth Mural Program
- 4.1.7 Support Youth Services commitment towards embracing legal graffiti and street art by using a strength based approach to addressing illegal graffiti
- 4.1.8 Consult with Youth Services and young people who are identified by the justice system on having conducted illegal graffiti and involve them into future Graffiti Education programs
- 4.1.9 Support placemaking initiatives in activity centres by providing advice on best graffiti management practices and protocol
- 4.1.10 Proactive priority daily surveillance in municipality activity centres and graffiti hotspots

4.2 Removal

4.2.1 Council asset graffiti removal

Continue to remove graffiti on Council assets within 2 business days, or within 24 hours for offensive graffiti

4.2.2 Council asset graffiti removal – leases

Strengthen graffiti removal in Council property lease agreements (tenant responsible for graffiti removal within appropriate timeframes)

4.2.3 Public utility graffiti removal

If funding secured, the continuation of the Inner City South Municipal Mayors Forum (ISMMF) Graffiti Pilot Program involving the removal of graffiti from targeted third party assets

4.2.4 Private property graffiti removal

Continue to provide and promote graffiti removal kits

4.2.5 Department of Justice Clean up

Continue to utilise Department of Justice clean-up programs to support graffiti removal in targeted areas including fences in laneways

4.2.6 Private property of those most vulnerable in the community graffiti removal

Continue to provide graffiti removal kits and if required, support those most vulnerable through Bayside Care and Support services

4.2.7 Private property activity centres graffiti removal

Work alongside Business and Trader associations to incorporate proactive patrols to identify graffiti and immediately initiate enforcement of private property removal

4.2.8 Graffiti reporting

Implement improved tools to support increased community and Council staff reporting of graffiti, through three reporting avenues:

- On the Council website under 'Report Problem' 'Graffiti Removal'
- Calling our Customer Service team on (03) 9599 4444

4.3 Enforcement

The management of graffiti offences is primarily the responsibility of Victoria Police and the Department of Justice and Regulation (with the exception of Council's Local Law enforcement of graffiti removal from private property, as described in Council's Neighbourhood Amenity Local Law 2021).

The Victorian Graffiti Prevention Act 2007 defines illegal graffiti as a criminal offence. The Act stipulates that 'a person must not mark graffiti on property if the graffiti is visible from a public place unless the person has first obtained the express consent of the owner, or an agent of the owner, of the property to do so'.

4.3.1 Victoria Police enforce The Graffiti Prevention Act 2007, and can serve an infringement notice on a person who the police officer has reason to believe has committed an offence.

4.3.2 Bayside City Council's Local Laws under Part 2, Division One - Section 13 in the Neighbourhood Amenity Local Law 2021 enforce the following;

(1) Each owner and occupier of private property must not allow any graffiti to remain on any building, wall, fence, post or other structure forming part of the private property.

(2) An occupier of Council Land must not allow any graffiti to remain on any building, wall, fence, post or other structure forming part of the Council Land.

(3) No offence will be committed under sub-clause (1) or sub-clause (2) unless a notice to comply has been issued and the owner or occupier (as the case may be) has failed to comply with the notice to comply.

4.4 Working Together

The Role of Council

Council has a critical role in ensuring safety, peace and order in its municipality through many functions, services and activities. We are responsible for initiating effective mitigation of and removal of graffiti on Council assets which include street signs, park signs, footpaths, street furniture, artworks, parks and gardens infrastructure as well as administrative buildings.

The Role of the Community

Everyone in the Bayside community has an important role to play in contributing to the personal and neighbourhood quality of life of the community. There are many groups and organisations that willingly take on volunteer or elective roles that directly contribute to and improve the sense of safety and security across the community. Groups and organisations such as Graffiti Busters, sporting clubs, youth groups, schools, charity and service groups, Neighbourhood Watch and Trader Associations play an important role in maintaining connections, building resilience and creating an awareness of crime prevention activities.

The removal of graffiti on private property is the responsibility of the property owner. Private property owners may be requested by Council to remove reported graffiti on their assets within a specified time frame. A key issue in enforcing clean up on private property is that property owners are also the victims of the graffiti and are then required to spend time and money to address the issue. As such Council offer alternatives to the graffiti removal services, including graffiti removal kits where appropriate.

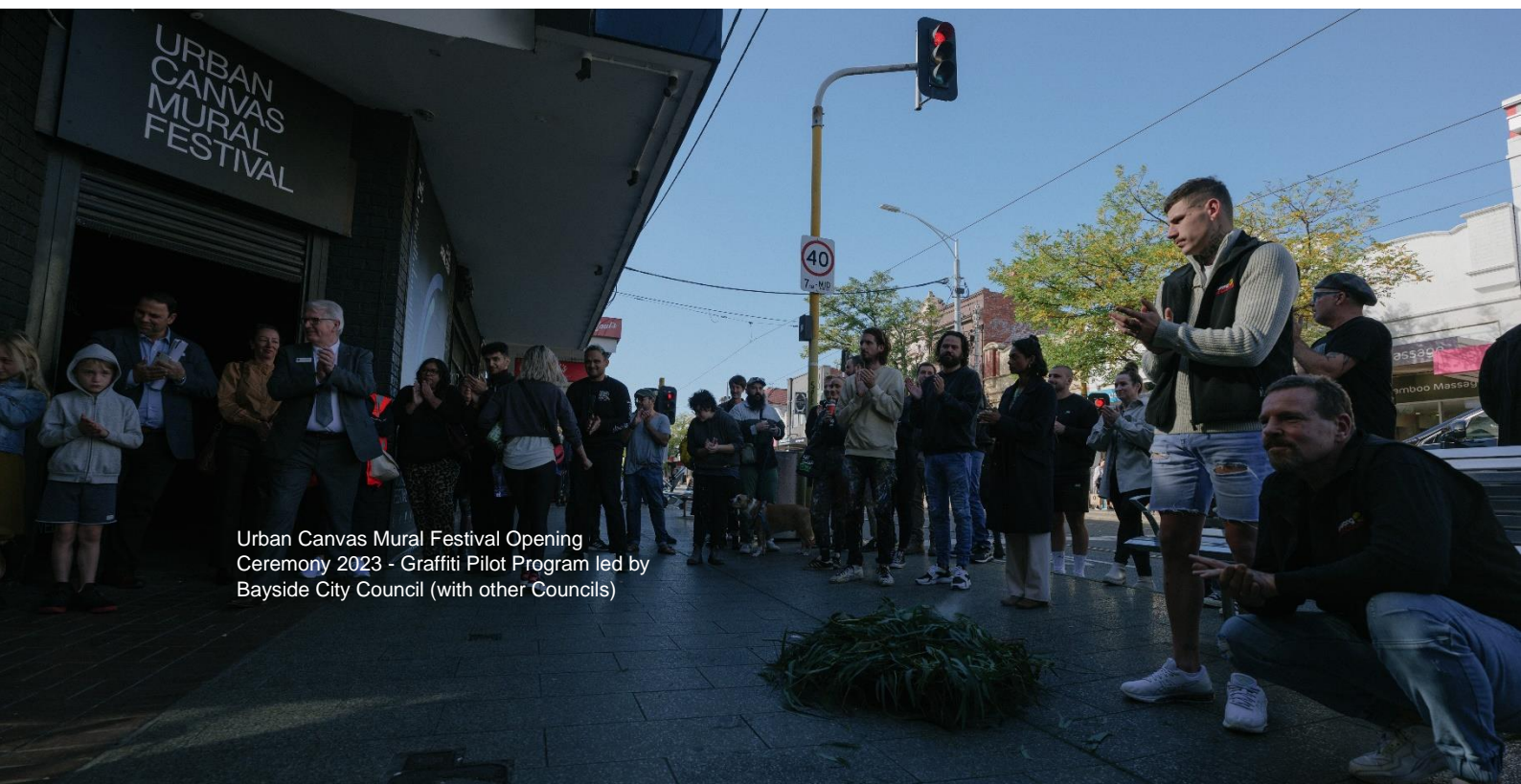
The Role of Partners

Community safety is a whole of community issue and partnerships are key to achieving outcomes in graffiti management. Other key agencies and stakeholders that work towards community safety and/or with mandated responsibilities include:

- Victoria Police is the key agency for law enforcement, however, also has a strong focus on preventative programs and on engagement with the community.
- The Department of Education plays an important role in maintaining connections to school and providing support services for young people who may be at risk.
- The Department of Justice and Regulation provides crime prevention programs, eradication programs and grants through the Community Crime Prevention Unit.

The responsibility for graffiti removal on public utilities is managed as follows:

- Australia Post for red post boxes or green delivery boxes;
- United Energy for power poles and electricity supply units;
- South East Water for pump-stations and sewer vents;
- VicRoads for grey traffic boxes, signal poles and traffic lights;
- Telstra for telephone boxes; Adshel for glass bus shelters; and
- Metro Trains for railway corridors and station precincts.



Urban Canvas Mural Festival Opening Ceremony 2023 - Graffiti Pilot Program led by Bayside City Council (with other Councils)

5. Compliance Considerations

Human Rights Charter

This Policy has been assessed against the principles of the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter) and is considered to be compatible with the Charter. In assessing the proposed changes, consideration has also been given to the *Equal Opportunity Act 2010*.

Equity Impact Statement

The implications of this policy have been assessed and are compliant with the requirements of the *Gender Equality Act 2020*.

Governance Principles

In the development of this Policy, the requirements of the Governance Principles as per the Local Government Act 2020 have been considered and are summarised below:

LGA S 9.1	Governance Principle	Consideration
a)	Compliance with the law	<p>The Policy aligns with the Graffiti Prevention Act 2007, a key piece of legislation that graffiti-related local government laws and policies must be consistent with. The Policy outlines the offences under the Act, including "marking graffiti" without the property owner's consent and possessing graffiti implements on transport company property or in trespassing situations. It also highlights the penalties associated with these offences, such as fines and imprisonment.</p> <p>The Policy also adheres to the Neighbourhood Amenity Local Law 2021 No:2, which specifies penalties for allowing graffiti to remain on private property and Council-owned assets. It ensures that graffiti is minimized on Council-owned and/or managed assets and sites, in accordance with the current Graffiti Management Policy and third-party agreements</p>
b)	Achieve best outcomes for the community	<p>Clarity and simplicity of messaging.</p> <p>Clear distinction of responsibilities of various stakeholders in the community.</p> <p>Promotion of reporting mechanisms that would help Council address graffiti effectively and efficiently</p>
c)	Promote the sustainability of the municipality	This principle is not applicable to this policy

LGA S 9.1	Governance Principle	Consideration
d)	Engage the community in strategic planning and decision making	The community will be engaged regarding matters such as it's perception of safety, how responsive Council is, and whether there are any hotspots it might be aware of.
e)	Strive for innovation and continuous improvement	This is addressed by making the previous Graffiti Management Plan clearer for the community especially in relation to Council's responsibilities and graffiti on private property.
f)	Collaborate with all other levels of government and government agencies	Graffiti management plans and policies of other Councils have been studied and taken into consideration when conducting this review.
g)	Secure the ongoing financial viability of Council	Graffiti removal is a core service that Council provides.
h)	Strategic planning and decision making must take into account plans and policies in operation at all levels.	<p>The Policy recognizes the role of partners such as Victoria Police, the Department of Education, the Department of Justice and Regulation, Vic Roads, public transport providers, and utilities companies in contributing to community safety and graffiti management.</p> <p>It advocates for greater accountability and integration of stakeholder activities to address graffiti management issues at a regional or metropolitan level, rather than through a siloed focus on the Bayside municipality, thus considering plans and policies at broader levels. Additionally, the Policy actively participates in forums such as the Inner South Metropolitan Mayors Forum (ISMMF) Graffiti Management Working Group and the Municipal Association of Victoria (MAV) Graffiti Management Working Group to efficiently implement government-funded trials and drive broader advocacy focus areas, demonstrating alignment with plans and policies at different operational levels</p>
i)	Council decisions, actions and information must be transparent.	<p>The reduction of graffiti and the increase in the number of graffiti reports as a result of this review will provide a clear basis of assessing the plan's effectiveness and progress.</p> <p>The Policy outlines the responsibilities of various stakeholders, ensuring that all relevant obligations and activities are clearly outlined to the community.</p>

Corporate Centre

76 Royal Avenue Sandringham Vic 3191
Postal Address
PO Box 21
Sandringham Vic 3191

Phone

9599 4444

Email

enquiries@bayside.vic.gov.au

Website

bayside.vic.gov.au



Bayside City Council
76 Royal Avenue
Sandringham VIC 3191
Tel (03) 9599 4444
Fax (03) 9598 4474
enquiries@bayside.vic.gov.au
www.bayside.vic.gov.au

Bayside City Council proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respects to their Elders past, present and emerging.