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Responsible Officer:	Manager Property Services
Owner:	Property Services
Responsible Director:	Presentation and Assets
Relevant Legislation/Authority:	<i>Victorian Graffiti Prevention Action 2007 Racial and Religious Tolerance Act 2001 Local Government Act 2020 Local Government Act 1989 Greater Creative Bendigo Strategy</i>
DOCSETID:	4647664

1. PURPOSE

The purpose of this policy is to establish a coordinated approach to managing, preventing and removing unauthorised Graffiti within the Greater Bendigo municipality.

2. BACKGROUND

- 2.1 Effective management of Graffiti is important to maintain and improve the City's aspiration to be a Graffiti free city whilst creating and maintaining quality Community Amenities and to engender pride in the Greater Bendigo municipality.
- 2.2 Graffiti can impact on people's perception of safety. Some people may feel that an area with Graffiti is unsafe and therefore may avoid areas where Graffiti is present. The presence of Graffiti may also increase feelings of fear and disorder in the local community and can distort perceptions around the actual level of crime and safety.
- 2.3 Graffiti can have a negative impact on the environment through pollution (including chemical and litter runoff into waterways), damage to items of environmental heritage and atmospheric impacts caused by aerosol sprays.
- 2.4 Graffiti creates a financial burden on the community through costs associated with its removal and management. It can also contribute to a decrease in property value.
- 2.5 The *Graffiti Prevention Act 2007* (Vic) (Act) outlines the laws and penalties for Graffiti vandalism. Whilst Victoria Police is largely responsible for enforcing the Act, it also has a provision that local councils may, but are not required to, remove Graffiti from private property.

- 2.6 The City is committed to prompt removal of Offensive Graffiti and will work with Private Property owners, within Acts and Regulations to achieve this.
- 2.7 The City is committed to the ongoing engagement and education of the Community to ensure a whole of community proactive approach to Graffiti prevention.

3. SCOPE

In scope:

- 3.1 This policy applies to Graffiti on all City Fixed Assets and private property where deemed necessary by the City.
- 3.2 This policy also applies to all Workplace Participants involved in asset management, design, redesign and refurbishment of City Fixed Assets.
- 3.3 This policy applies to private, commercial and other government property owners within the City of Greater Bendigo.

Out of scope

- 3.4 This Policy relates to unauthorised graffiti only. Authorised Public Art commissioned or authorised by the City is not covered under this policy and will be supported under the Public Art Policy.

4. DEFINITIONS

Act means *Graffiti Prevention Act 2007 (Vic)*.

CPTED means Crime Prevention Through Environmental Design which is a planning approach to deter criminal behavior through the design of the built environment that leads to a reduction in the fear and incidence of crime.

City means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020 (Vic)*.

Council means all of the Councillors collectively.

Fixed Assets are long term tangible pieces of property or equipment.

Graffiti means any unauthorised 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. Types of graffiti include:

- a) **Etching** is a destructive form of graffiti that can be etched onto windows (particularly shops/businesses)
- b) **Murals** are applied to and made integral with a wall or ceiling surface and are generally within sight of high trafficable and high activity areas.
- c) **Stenciling** is painted onto walls/fences and can carry messages which are either political or are concerning current social issues.
- d) **Sticker Art** also known as sticker bombing, sticker slapping, slap tagging, and sticker tagging, is a form of street art in which an image or message is publicly displayed using stickers. These stickers may promote a political agenda, comment on a policy or a policy issue.

- e) **Tagging** is a type of graffiti that commonly occurs on walls/fences, bridges, and service authority Fixed Assets such as light poles, traffic signal devices etc. Tagging is generally indecipherable.
- f) **Tributes** usually occur on walls, light poles, fences, road pavements, footpaths and local rocks as a declaration, or other acknowledgment of gratitude, respect or admiration to a person/s.

Inaccessible Graffiti means Graffiti that is not readily accessible and exposes Graffiti response team members to unacceptable risks to health and safety.

Offensive Graffiti is obscene in nature and has the potential to cause offence to the community or groups within the community. It creates a reputational risk to the City and often includes defamatory remarks or slurs about race and gender and includes offensive words, phrases or graphics.

Private Property means any Fixed Asset within the municipality that is not owned or managed by the City.

Public Amenities means buildings, parks, open space, infrastructure and Fixed Assets

Public Art refers to artwork that is displayed in public on surrounding buildings, on streets, trains and other publicly viewed surfaces commissioned with the permission of the person/authority who owns the surface/wall that the artwork is being presented, and with the permission of the City.

Public Space is any space managed or owned by the City that is broadly accessible for:

- Community use and activity;
- Aesthetic or place making value;
- The protection of areas of heritage, cultural or ecological value; and
- Utility use such as drainage reserves or flood retention, providing that the space incorporates at least one of the above criteria.

Rapid Removal means the removal of Graffiti within 24 to 48 hours of it occurring.

Visible to Public is Graffiti that is within view from a public road or park reserve.

Workplace Participants means all employees, contractors, volunteers and consultants engaged by the City.

5. PRINCIPLES

- 5.1 Preventative - To apply a combination of strategies including effective CPTED, education, partnership initiatives and Public Art projects to discourage Graffiti and improve overall Public Amenity.
- 5.2 Proactive - To support timely action by the City to remove and record offensive graffiti on City Fixed Assets and Private Property where it affects Public Amenity. Promote ongoing activation of Public Spaces in line with the Public Art Policy, through place management that will protect Public Amenity and increase perception of community safety.

- 5.3 Reactive - To ensure the prompt identification, removal and recoding of Graffiti on the City's Fixed Assets as well as Private Property located within the municipality, to restore the condition of the property, capture analytical data, maintain aesthetic values and preserve perception of safety and the City's reputation.

6. POLICY

6.1 Graffiti Prevention

6.1.1 The City acknowledges that one of the effective strategies in Graffiti prevention is active engagement, education and development of partnerships to develop a broader approach to the management and removal of Graffiti and promotion of Public Art across the municipality.

6.1.2 The City will continue to implement and promote Graffiti prevention strategies through:

- a) Rapid Removal of Graffiti to discourage the recurrence of Graffiti, as it reduces exposure time of the Graffiti and makes the Graffiti physically easier to remove
- b) Active engagement to promote and provide appropriate avenues for creativity and skill development opportunities.
- c) Community education and information to support the growth of Greater Bendigo's Public Art Culture and to ensure a whole of community proactive approach to Graffiti prevention.
- d) Ownership and community pride to enable influence, involvement and promote a sense of collective community confidence, safety and security.
- e) Partnership approach to support a coordinated response to develop solutions and opportunities for Graffiti prevention, education, removal and enforcement
- f) Urban Design that contributes to a positive amenity.
- g) Through effective planning processes, developing safe and welcoming public spaces that improve perceptions of safety, encourage crime prevention and provide opportunity for positive social engagement via implementing CPTED principles. These include improved lighting, landscape plantings, surface finishes (i.e. texture and colour), and property maintenance.
- h) Use of Public Art murals in site appropriate locations that contribute to the amenity of the area and prevent Graffiti on the site
- i) Use of Graffiti resistant materials or protective coatings to assist with removal

6.2 Graffiti Removal

6.2.1 Graffiti Removal from City owned and managed property

- a) To manage Graffiti in our community, the City will proactively remove Graffiti in a timely manner. The City will undertake Rapid Removal of Graffiti on City owned and managed property within 10 working days.
- b) Where possible, the City will utilise the Graffiti Offenders Program facilitated by the Department of Justice that places Graffiti offenders managed by the Department of Justice within the municipality to remove Graffiti from allocated sites.
- c) Removal of Graffiti will be consistent with heritage conservation principles.

6.2.2 Graffiti Removal on Public Art Assets

- a) Due care will be taken with removal of Graffiti from Public Art Assets. Further support may be sought with the commissioner and/or owner of the work if specialist information is required.

6.2.3 Graffiti Removal on Private Property and Assets

- a) The City can utilise the provisions of the Act to remove Graffiti by gaining consent from Private Property owners through the issuing of notices under sections 18(2) and 18(3) of the Act.
- b) The City will provide support to Private Property owners through community education to assist in reducing incidents of Graffiti.
- c) The City will work with the community to remove Graffiti from Private Property where it has a significant impact on Public Amenity (for example, where it is deemed offensive), or where residents are frail aged or living with a disability.
- d) Removal of Graffiti will be consistent with heritage conservation principles.
- e) The City may enter Private Property for the purpose of removing Inaccessible Graffiti if it serves a notice under the Act to the owner or occupier at least 28 days before the action is proposed to be taken; and the owner or occupier of the property has given written consent to do so or does not object.
- f) If entry to Private Property is not necessary, the City must serve a notice under the Act at least 10 days before the action to remove the Graffiti is proposed to be taken; and the owner or occupier of the property has given written consent to do so or does not object.
- g) As Graffiti removal is the responsibility of the property owner, all associated costs incurred with the removal of Graffiti will be borne by the property owner.

6.2.4 Offensive Graffiti Removal

- a) The City will undertake Rapid Removal of Offensive Graffiti on City owned and managed property within 48 hours.
- b) Under the provisions of the Act the City can take action to remove Graffiti from Private Property if the Graffiti is visible from a public place. The removal of obscene or Offensive Graffiti will be fast-tracked through immediate contact with the property owner or their representative.

7. ROLES AND RESPONSIBILITIES

- 7.1 Property Services Manager - Responsible to oversee the implementation of the policy and review it in a consultative and collaborative exercise at identified periodic intervals.
- 7.2 Business Services and Economic Development – Responsible to oversee the implementation of the Greater Creative Bendigo Strategy actions including development of Public Art Policy to support the growth of Greater Bendigo's Public Art Culture.
- 7.3 Council Officers and Council Contractors - Responsible to implementation and or adherence to this policy.

8. RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

These include:

Graffiti Prevention Act 2007;
Racial and Religious Tolerance Act 2001;
Local Government Act 2020;
Local Government Act 1989; and
Greater Creative Bendigo Strategy;

Further information or advice on this policy should be directed to Property Services

9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
28/3/2022	DMc	Property Services	Develop	1.0	March 2026