Reframing Graffiti and Street Art in the City of Sydney

Report of the Mural, Street Art and Graffiti Review Project

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Graffiti writing and street art take a diverse range of forms, are produced in a diverse range of locations, and generate a diverse range of responses. Navigating this diversity presents a considerable challenge for urban authorities such as the City of Sydney. But there are also exciting opportunities to rethink existing approaches, and for coordinated policy and practice in this area to make a stronger contribution to the strategic priorities of the City. This report provides a conceptual framework for identifying these challenges and capitalising on these opportunities.

The aims of the report are to review the City of Sydney’s current policies and practices towards graffiti and street art, and to make recommendations about how these policies and practices could be improved. The report is structured in three sections.

Section A discusses the history and context of graffiti practice in Sydney. It covers the evolution of graffiti and street art in Sydney over the twentieth century, the diversity of forms, their relationship to the law and to other forms of art and communication that make use of the urban public realm, and includes definitions of terms used in the report. That section makes the following key points:

• While there is a long history of graffiti and street art in Sydney, new forms of graffiti practice emerged in the 1980s, influenced especially by contemporary graffiti practice in the United States;
• The terms ‘graffiti’ and ‘street art’ are used by practitioners to refer to related but distinct styles of graffiti practice;
• As styles of graffiti practice, the terms ‘graffiti’ and ‘street art’ do not equate to ‘legal’ and ‘illegal’ – there is legal and illegal graffiti, just as there is legal and illegal street art;
• Graffiti practice is distinct from other forms of public art, not just in its style but also in its form – as a form of art on the street, an expectation of ephemerality is an inherent element of graffiti practice;
• Graffiti exists alongside other forms of public address as part of a wider ‘outdoor arts and media landscape’, and each of these forms generates regulatory challenges.

Each of these points is important to keep in mind in considering the ways in which graffiti practice is conducted and regulated in the City of Sydney.

Section B discusses the responses of urban authorities to graffiti practice in Sydney. It describes the different policy responses and the assumptions that underpin them. In particular, this section traces the progression from repression and criminalisation towards new approaches that take a broader view of the impacts of graffiti and street art set in its particular contexts. While the repressive approach to graffiti and street relies on negative evaluations of their impact on the urban environment, a range of other policy responses discussed in this section are informed by a positive valuation of some forms and locations of graffiti and street art. Such responses are not simply alternative methods to achieve the eradication and/or reduction of graffiti and street art. Rather, they are premised on the recognition that different forms of graffiti and street art have a range of positive values, and can make important contributions to urban quality of life and liveability. The positive values attributed to some forms and locations of graffiti and street art include:

• their contribution to youth engagement, including their diversionary potential for ‘at-risk’ young people;
• their contribution to community development;
• their usefulness as tools in the activation of public spaces and place-making;
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- their contribution to the development of creative economies;
- their significance as forms of public expression.

With regards to the overall policy position of the City, the existence of both positive and negative valuations of graffiti and street art supports the pursuit of a complex range of approaches to graffiti management, from removal through to more supportive policy initiatives that recognise the significance of graffiti and street art. Better management of graffiti and street art should be informed by an appreciation of the full range of values, both positive and negative, attributed to graffiti and street art by a full range of stakeholders.

We also noted that the different policy responses to graffiti and street art described above intersect with several key responsibilities and portfolios of local governments such as community development, planning and urban design, cultural development, and local economic development. So, while the NSW State Government has tended to ‘talk tough’ and focus on repression and criminalisation, local governments such as the City of Sydney have sought to find a balance between repression and its alternatives.

The most significant implication of the analysis presented in Sections A and B of this report is that the nature of the ‘graffiti problem’ to be ‘solved’ by the City of Sydney is not simply a problem of how best to reduce and/or eradicate graffiti. Rather, the report argues that:

- there are many different forms and locations of graffiti and street art in the City of Sydney, some of which have a long history;
- these forms of graffiti and street art interact with other forms of art and public address in the urban public realm, access to which is crucial for a vibrant and democratic city;
- from a policy perspective, the dominant policy response to graffiti and street art has been repressive attempts at eradication and/or reduction;
- this policy response fails to recognise both the diversity of graffiti and street art practices and the diversity of public opinions about their merits;
- the cost burden of this largely State-driven approach tends to fall on local government;
- a range of alternative policy responses to graffiti and street art exist alongside the repressive approach;
- these alternative approaches contribute to other policy priorities of the City of Sydney, especially with respect to the importance of creative practices for place-making.

This shifts the discussion of the ‘graffiti and street art problem’ from one of ‘how to reduce and/or eradicate graffiti and street art’ to a more complex set of policy problems relating to the placement of graffiti and street art in the City designed to achieve a range of desired outcomes. In this section, we therefore build on this approach by identifying a series of quite distinct policy problems that have emerged from our research.

In response to this analysis, Section C rethinks the multiple roles that the City of Sydney should play with respect to graffiti and street art. In this section the report systematically reviews and addresses the strengths and limitations of current City policies and programs, offering a range of alternative policy and program approaches that better account for the way graffiti and street art is understood and valued by the various stakeholders in the City. This section makes a series of recommendations of ways the City of Sydney can improve the way it approaches graffiti and street art. These are summarised below:

- **Removing some forms of graffiti and street art**
  The City should continue to remove unwanted graffiti and street art. The determination of what is ‘wanted’ and ‘unwanted’ should be informed by the strategic priorities of the City and take into account citizen voices. The
different types of wanted sites, which include ‘permission work’, legal walls, murals and commissions by the City, should be mapped in a new City of Sydney Graffiti and Street Art Register. The sanctioned sites on the register should be monitored by the graffiti removal contractors, who should be trained to recognise the diversity of forms of graffiti and street art and how this diversity relates to the policy objectives of the City.

New works of graffiti and street art should be evaluated to determine whether they might be included on the register. Property owners and artists are key stakeholders in decisions to include works on the register, but the City may also wish to consider inviting wider community comment on particular unsanctioned works to determine their value to a wider audience.

Decisions to remove or sanction graffiti and street art should also take into account the local precinct identity, with some areas defined as ‘character areas’ where different protocols for removal apply.

• **Making space for some forms of graffiti and street art**
The City should establish a network of legal walls in the LGA. Where possible these should be ‘curated’ in collaboration with existing service providers. Their location and rules of operation should be detailed through the City’s website. The City should also ensure these legal walls are associated with legal graffiti and street art programs designed to improve skills and facilitate vocational pathways and connections to other services such as health and education.

• **Commissioning some forms of graffiti and street art**
The City should continue to commission high quality graffiti and street art through programs such as Streetware. To ensure wider participation by local writers and artists barriers to participation in these programs should be limited to artistic skill and the quality of works proposed.

We recommend the City continue to submit Development Applications when Council assets are utilised for commissioned graffiti and street art. The development application process associated with commissioned works should be revised to apply to the site rather than the particular artwork. This will enable the owners of sites to enter into permission arrangements once events like Streetware have concluded.

• **Enabling citizens to produce some forms of graffiti and street art**
There are a range of changes that the City could implement to facilitate sanctioned graffiti and street art that is valued by City residents and contributes to the strategic goals of the City. The City should provide clear information to artists, residents and property owners about when and where they can enter into ‘permission arrangements’ to produce graffiti and street art, including information about when such arrangements do not require approval from the City. As a part of this process, the City should develop a simple ‘check-box’ notification form for residential property owners who wish to enter into permission arrangements with graffiti and street artists. A similar ‘check box’ notification system should be developed for commercial property owners who wish to enter into permission arrangements with graffiti writers and street artists to produce signage that is compliant with the revised NSW planning policies.

In line with the NSW planning regulations, the City should clarify when property owners are required to complete a Development Application in order to enter a permission arrangement with graffiti writers and street artists. This should include details of when graffiti and street art is considered exempt or complying development, and this should be formalised through inclusion in the City of Sydney’s Local Environment Plan. Where Development Applications are required, the City should ensure these do not form an unnecessary
barrier for property owners and artists. As such, the City should establish a special category of Development Application for graffiti and street art, which is free and as simple as possible. This will help reduce the administrative burden on residents and City staff.

The City should revise its construction hoardings policy to allow developers to apply, at any stage during the construction process, for the use of hoardings as a site for permitted graffiti and street art. Further, the City should also investigate a streamlined development application process for third-parties seeking to organise events involving graffiti and street art. Finally, the City's Signage Development and Control Plan should be reviewed to enable the use of graffiti and street art for signage. The existence of ‘street art milieu’ in certain areas in the LGA established in the report should inform a review of the role of graffiti and street art in the City’s designated Signage Precincts.

- **Actively protecting and conserving** a limited number of important works and sites of graffiti and street art

Where an instance of graffiti and street art is determined to be of particular significance in its local context there may be cause to consider its protection or conservation. The City should implement two modes of protection of sanctioned graffiti and street art: a passive mode, where the City agrees not to arbitrarily remove sanctioned graffiti and street art, such as permission walls and legal walls; and, an active mode, which applies to murals and City commissions, and involves investment in resources in the maintenance and/or conservation of the artwork.

The City should form a **Graffiti and Street Art Advisory Group**, which will play a key role in determining the significance of graffiti and street art in the LGA. The Group, which should include a graffiti writer and street artist in its membership, will consider requests for protection and/or conservation of graffiti and street art. Protection and conservation may take physical forms, like protective coatings, or non-physical forms such as digital documentation. Physical conservation should only be considered in works determined to be of extremely high significance. Artworks that are physically conserved should be designated as a mural in order to differentiate these artworks from graffiti and street art, and other more formally commissioned public artwork.

- **Mediating disagreements** about graffiti and street art

Disagreement and contestations in public space are normal. Complaints about graffiti and street art, just as for other public artworks, are inevitable but do not represent the full range of views about these artworks. As such, the City should reconfigure ‘complaints’ as ‘stakeholder contributions’. Doing this will allow the City to put single complaints in perspective and ensure all stakeholder voices are heard in the ongoing management of sites of graffiti and street art.

The City should develop new protocols designed to account for a broad range of stakeholder contributions in determinations of the value of a piece of graffiti or street art, and in the mediation of disagreements. These new protocols should include a more active role for Call Centre staff, allowing them to direct new stakeholder contributions towards assessment for removal or into processes of community-led engagement. In cases where negative stakeholder contributions meet a set threshold, a City-led engagement session should be convened. These **Graffiti and Street Art Engagement Sessions** should consider the full range of stakeholder voices and draw on relevant data and evaluations, including input from the Graffiti and Street Art Advisory Panel and the Public Art Program Manager.
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To collect data to support decision-making and evaluation, the City should initiate research in the development of mobile applications that can interface with the Graffiti and Street Art Register in order to enable the community to comment on works and upload images. Further, the City should develop and trial an Online Stakeholder Forum to enable confidential stakeholder engagement processes aimed at community-led resolution of concerns about graffiti and street art.

• Leading public discussion and debate about the place and value of graffiti and street art in the city
The City already plays a leading role in its approaches to graffiti and street art ensuring the presence of significant graffiti and street art throughout the LGA. However, this is not reflected in current City policy statements. As such, the City’s public policy statement on graffiti and street art should be revised to reflect the City’s multiple engagements with graffiti and street art and to bring it into line with the definition of graffiti and street art developed in this report. Importantly, this statement should remove incorrect associations of ‘graffiti’ with illegality and ‘street art’ with legality.

The current Graffiti Management Policy and Interim Aerosol Art Guidelines should be combined to reflect the recommendations of this report. A series of short-term trials, with appropriate review and reporting, should be established to test the innovative methods set out in this report.

The City should lobby the NSW Government to reform aspects of the Graffiti Control Act that impact upon its ability to implement policies in response to recommendations in this report.

• Evaluating policy reforms in relation to graffiti and street art
A digital repository that aggregates visual data collected by City staff, contractors, residents, writer/artists, tourists and other stakeholders, should be developed to provide a dynamic evidence base for use in the management of sanctioned graffiti. Such a database could provide the opportunity to generate dynamic wayfinding pathways that connect significant sites of graffiti and street art, accessible via a participatory public web interface.

In order to better understand the different values associated with different styles and locations of graffiti and street art in the LGA, the City should support research into community attitudes to graffiti and street art.

Acknowledgements
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Glossary of Terms

Commissions  
In many cities urban authorities are actively encouraging the production of high quality graffiti and street art through direct commissioning of works and the production of showcase events. For instance, in the City of Sydney, the Streetware program has now run on four occasions since 2010. In this program, the City has invited and funded artists to install work on a range of pre-approved spaces, which have included laneways and other more prominent buildings. See Section B4. See also Permission Walls.

Crew:  
Organised group of graffiti writers.

Graffiti  
Generically, ‘graffiti’ is defined by the Oxford English Dictionary as “Words or images marked (illegally) in a public place, esp. using aerosol paint.” The bracketing of ‘illegally’ here speaks volumes about the contested definition of this term. In this report, graffiti is defined stylistically as a form of art and writing in public space that first emerged in Sydney in the 1980s, influenced by styles pioneered in Philadelphia and New York City by ‘graffiti writers’ who came to be associated with hip hop culture. Stylistically speaking, this graffiti involves large and colourful reproductions of ‘tag’ and ‘crew’ names (the ‘tag’ being someone’s invented graffiti identity, and the ‘crew’ being the invented identity of a group of writers who worked together), as well as smaller reproductions of their tag. Aerosol paint and ink have traditionally been the preferred media for this form of graffiti. We argue that graffiti should not be defined by legal status – the ‘words or images’ can be legal or illegal. See Section A3.1. See also Graffiti Practice.

Graffiti Practice  
This is a key term in this report. We treat both ‘graffiti’ and ‘street art’ as forms of graffiti practice derived from a common historical origin of urban arts practice traced back to New York/Philadelphia in the late 60s/early 70s contextualized in the distinctive histories of particular cities. There are differences in practice that cohere around the terms graffiti and street art, but they are both forms of graffiti practice, that have their roots in the culture of graffiti ‘writing’ that emerged in the NE United States. At the same time, leading on from this historical origin, different cities have developed different and distinctive styles and identities within the world of graffiti and street art. A key shared characteristic of different styles of graffiti practice are their ephemeral form. Graffiti and street art, whether it is permitted or not, always exist as a contested practice, and so graffiti and street art in its material form are always subject to erasure, whether by being removed, by being defaced, or by simply fading away. See Section A3.1. See also Graffiti and Street Art.
Legal Graffiti Program  Typically based in youth and/or arts services, legal graffiti programs provide young people opportunities to develop their graffiti and street art skills in a legal and safe space, most often with the support of an experienced professional graffiti writer. See Section B2.1 and Box 4. See also Legal Walls.

Legal Walls  Legal graffiti walls are sites where anyone is authorised to write graffiti without requiring permission. In some cases, legal graffiti walls are 'managed' by services that provide legal graffiti programs – these are nonetheless distinct policy options. See Section B2.1. See also Legal Graffiti Program.

Paste-Up:  A drawing, stencil etc. on paper fixed to a wall or other surface using wheat paste or wallpaper paste. See also Street Art.

Permission Walls  Established graffiti writers and street artists frequently negotiate their use of space directly with property owners, establishing walls we refer to in the report as 'permission walls'. As local arrangements between specific artists and property owners, these permission walls are distinct from 'legal walls' in that they are not made available for anyone to paint, stencil or poster. In the current regulatory context, permission is not the same as legality. While in many cases a graffiti writer has secured a property owner's permission to paint their wall, this does not mean that the piece they paint is legal. In many instances, the property owner is not authorised to grant such permission, because planning and/or criminal codes impose restrictions on the appearance of private property. Section B3. See also Commissions and Legal Walls.

Piece:  A writer's painting, short for masterpiece. See also Graffiti.

Production:  Large scale murals with detailed pieces and illustrations. (Contemporary term used mainly for street murals.) See also Graffiti.

Public Art  The City of Sydney Public Art Policy defines public art as "artistic works or activities accessible to the public. The work may be of a temporary or permanent nature. Located in or part of a public space or facility provided by both the public and private sector, public art also includes the conceptual contribution of an artist to the design of public spaces and facilities".

Stencil  A design cut into heavy paper or cardboard, then spray-painted onto a wall. See also Street Art.

Sticker:  A form of tagging, most commonly saying "Hello, my name is". Can be anything from computer-generated, clear, generic blank stickers that have the writer's name on them to elaborate stickers with little pieces and characters. See also Graffiti and Street Art.

Street Art  Street art is a form of graffiti practice typically defined stylistically through its emphasis on the rendering of icons and characters (as opposed to letter-work), in
addition to the extension into other media (paste-ups; stencils, etc). It is also sometimes distinguished from Graffiti with reference to street artists’ efforts to find a broad public audience, where some graffiti writers’ work is intended only for a closed audience of other writers in the subculture. It is important to note that these distinctions between Street Art and Graffiti are not clear-cut. For instance, characters can appear in both styles, and the terms are used interchangeably in some cases, particularly around aerosol character work. Similarly, some forms of ‘public-style’ graffiti seek audiences beyond the graffiti subculture. The term is also sometimes incorrectly used to refer to legal alternatives to illegal graffiti. When considered stylistically, just as there are legal and illegal forms of graffiti, so too there are legal and illegal forms of street art. For these reasons, we situate Street Art alongside Graffiti as forms of Graffiti Practice. See also Graffiti and Graffiti Practice.

Tag (n) A writer’s name and signature. (v) The execution of a signature.

Throw-Up: A quickly executed piece consisting of an outline with or without thin layer of spray paint for fill-in.

Unwanted graffiti In this report, we make a distinction between illegal graffiti and street art and unwanted graffiti and street art. This is to highlight the fact that some graffiti and street art that is illegal under the terms of the Graffiti Control Act (NSW) 2008 might not be unwanted. That is, there are many instances in which graffiti or street art that does not have the explicit permission of the property occupant/owner is valued – perhaps because it is liked by the occupant/owner, because it makes contributions to its neighbourhood that align with strategic priorities of the City, or because it has some other form of artistic or cultural significance. This distinction is developed throughout the report, and its implications are discussed especially in Section C1, where we argue that the City should focus its removal efforts on unwanted graffiti and street art. We also make recommendations about how the City can determine what graffiti and street art is unwanted.

Yarn-Bombing: Knitted cozies wrapped around objects in the urban environment. Also known as graffiti knitting, or crochiti. See also Street Art.
Introduction: Aims, Methods, and Outline of the Report

Graffiti writing and street art take a diverse range of forms, are produced in a diverse range of locations, and generate a diverse range of responses. A walk around the streets of the City of Sydney will reveal all manner of forms of graffiti and street art, from etchings and tags to stickers, stencils, and elaborate text-based and iconographic productions by international artists — some are legal, some are not, and the legal status of others is difficult to determine. These diverse forms of graffiti and street art exist on garage doors in residential back alleys, on urban infrastructural elements like street signs and bus stops, on abandoned buildings and commercial facades and City property, and much more besides. Responses to the diverse forms and locations of graffiti and street art vary from annoyance to indifference, delight and devotion. For the many millions of dollars spent trying to prevent their spread, there are many millions more spent on magazines, books and documentaries celebrating their existence.

Navigating this diversity presents a considerable challenge for urban authorities such as the City of Sydney — not least because different forms of graffiti and street art relate to a wide range of City activities, from infrastructure maintenance to planning and cultural policy. But there are also exciting opportunities to rethink existing approaches, and for co-ordinated policy and practice in this area to make a stronger contribution to the strategic priorities of the City. This report provides a conceptual framework for identifying these challenges and capitalising on these opportunities.

The aims of the report are to review the City of Sydney’s current policies and practices towards graffiti and street art, and to make recommendations about how these policies and practices could be improved.

In order to address these aims, the authors have:

• reviewed the existing international academic literature on graffiti and street art;
• reviewed the existing policy settings in the City of Sydney and the State of NSW;
• reviewed the existing policy settings in a range of other comparable cities in Australia and internationally;
• developed a set of criteria for categorizing different forms and locations of graffiti and street art, and incorporated this criteria in a mobile app that was designed and used to conduct an exhaustive photographic survey of graffiti and street art on every street in the City of Sydney;
• conducted interviews with key stakeholders in the City of Sydney, including Culture and Creativity, Public Art, Planning and Heritage, Compliance, Customer Services, Community Services, Community Engagement;
• conducted interviews and focus groups with active graffiti writers and street artists.

Based on this research, we have produced a report in three sections. In Section A, we discuss the history and context of graffiti practice in Sydney. This section discusses the evolution of graffiti and street art in Sydney over the twentieth century, the diversity of their forms, their relationship to the law and to other forms of art and communication that make use of the urban public realm, and includes definitions of terminology that will be used throughout the report.
In Section B, we discuss the ways in which urban authorities (including the City of Sydney and the NSW State Government) have responded to graffiti practice in Sydney. This section identifies and critically analyses a range of policy responses, from the dominant ‘repression and criminalisation’ approach to other approaches that have tolerated and even encouraged certain forms of graffiti and street art. We demonstrate how each of these policy responses is informed by distinct assumptions about the impact of graffiti and street art on the city – while repression is informed by the notion that graffiti and street art have an exclusively negative impact on urban environments and communities, other responses are premised on the notion that (some forms of) graffiti and street art can have positive impacts and contribute to existing urban policy agendas. We conclude this section by making the case that the City of Sydney needs to reframe the policy ‘problem’ of graffiti beyond ‘how do we best remove/stop graffiti?’, in order to adequately respond to the positive as well as negative valuations of graffiti and street art in the city.

Section C rethinks the multiple roles that the City of Sydney should play with respect to graffiti and street art, including:

- removing some forms of graffiti and street art;
- making space for some forms of graffiti and street art;
- commissioning some forms of graffiti and street art;
- enabling citizens to produce some forms of graffiti and street art;
- actively protecting and conserving a limited number of important works and sites of graffiti and street art;
- mediating disagreements about graffiti and street art;
- documenting some forms of graffiti and street art;
- leading public discussion and debate about the place and value of graffiti and street art in the city;
- evaluating policy reforms in relation to graffiti and street art.

Recommendations are made in relation to each of these roles identified for the City. These recommendations are consolidated in an appendix at the end of the report.
Section A: Graffiti and street art in Sydney: history and context

In this section, we set the context for our analysis and recommendations by setting out our broader approach to the place of graffiti and street art in the city. We make three key points about the nature of graffiti and street art in Sydney:

• First, we note that graffiti and street art have a long (and even illustrious) history in Sydney, and then we define contemporary forms of graffiti and street art and their relationship to the law (A1).

• Second, we argue that graffiti and street art exist alongside, but are distinct from, other forms of public art in the city (A2).

• Third, position graffiti and street art within a broader outdoor media landscape alongside other forms of communication like official notices and advertising that have themselves generated regulatory concerns and responses (A3).
A1. Graffiti and Street Art in Sydney: a brief history

Graffiti and street art are not new to Sydney. The Central Business District and inner suburbs of Sydney have been important locations for different forms of graffiti for at least a century, and many graffiti writers in Sydney have achieved local and international notoriety for their work.

A1.1 Arthur Stace’s ‘Eternity’

Famously, Arthur Stace – a former grog-runner and soldier who cleaned up and became a self-described Christian ‘missioner’ in the 1930s – achieved notoriety and fame for writing ‘Eternity’ in copperplate hand with waterproof chalk on the pavements and walls of Sydney over several decades (see Figure 1). According to the Australian Dictionary of Biography:

In the 1930s he had heard the evangelist John Ridley tell a congregation in Burton Street Baptist Tabernacle that he wished he could ‘shout eternity through the streets of Sydney’. Stace was inspired! ‘I felt a powerful call from the Lord to write “Eternity”. I had a piece of chalk in my pocket, and I bent down right there and wrote it’.¹

![Image of Arthur Stace](Image Source: National Library of Australia)

Figure 1: Arthur Stace, Sydney, 1963 (Image Source: National Library of Australia).

From this moment of revelation in 1932, it’s estimated that Stace wrote the word ‘Eternity’ over 500,000 times in a long career as Sydney’s most famous graffiti writer that lasted until 1966. He operated anonymously for years, until finally ‘caught in the act’, and Stace’s identity as the mystery ‘Eternity’ writers was finally revealed in an article in a metropolitan newspaper in 1956. Stace achieved local, and indeed global, notoriety for his efforts, with his work commemorated in the Millennium celebrations in Sydney, and more recently by infamous street artist Banksy in his New York installations (see section A3 below, and Figure 2).

A1.2 BUGAUP

In the late 1970s and early 1980s, a group of graffiti writers and artists working together as ‘BUGAUP’ (Billboard Utilising Graffitists Against Unhealthy Promotions) achieved local and global notoriety for their interventions in the urban media landscape. With spray paint as well as brushed paint, this group ‘hacked’ thousands of billboards carrying advertisements for tobacco, alcohol and other ‘unhealthy’ products, either spoiling or re-purposing the advertisements as part of a political campaign (see Figure 3). Their work was documented on posters that came to be displayed in doctors’ surgeries and school classrooms among other places. Leading public health scholars have argued that BUGAUP’s efforts were crucial to the current restrictions on tobacco and alcohol advertising, and their brand of direct action, ‘do-it-yourself’ politics anticipated political movements that would emerge globally in the 1990s.

2 http://www.dictionaryofsydney.org/entry/stace_arthur
A1.3 Contemporary Graffiti Practice: ‘Graffiti’ and ‘Street Art’

Crucially for this report, further forms of graffiti and street art became established in Sydney in the 1980s and 1990s. As a global city, Sydney was exposed to the various cultural practices associated with hip hop culture born in the United States. In the early 1980s, young people in Sydney began experimenting with new forms of clothing, dancing, music … and graffiti. This new style of graffiti took the form of large and colourful reproductions of ‘tag’ and ‘crew’ names (the ‘tag’ being someone’s invented graffiti identity, and the ‘crew’ being the invented identity of a group of writers who worked together), as well as smaller reproductions of their tag (see Figure 4, and Box 1). Spraypaint and ink were the preferred media for this form of graffiti. Inspired by their exposure to New York hip hop graffiti accessed through books, music videos, and documentaries such as Style Wars (1983), this graffiti initially tended to be focused on railway infrastructure (train carriages and corridor walls).

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In the 1990s, further developments in style and media of graffiti took place. In contrast to the largely letter-based style of graffiti associated with hip hop culture, these new styles tended to be more iconographic, and made use of different media including stencils, posters (or ‘paste-ups’), stickers, yarn and more.\(^8\) While clearly influenced by other forms of graffiti (and often produced by individuals associated with existing forms of graffiti), these new styles came to be labelled by some observers and practitioners as ‘street art’ in order to distinguish them from other styles (see Figure 5, and Box 2).

**Box 1: Graffiti Terminology\(^9\)**

<table>
<thead>
<tr>
<th>Tag</th>
<th>(n) A writer’s name and signature. (v) The execution of a signature.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Throw-Up</td>
<td>A quickly executed piece consisting of an outline with or without thin layer of spray paint for fill-in.</td>
</tr>
<tr>
<td>Piece</td>
<td>A writer’s painting, short for masterpiece.</td>
</tr>
<tr>
<td>Production</td>
<td>Large scale murals with detailed pieces and illustrations. (Contemporary term used mainly for street murals.)</td>
</tr>
<tr>
<td>Crew</td>
<td>Organised group of writers.</td>
</tr>
</tbody>
</table>

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\(^8\) Jaklyn Babington et al., *Space Invaders: Australian, Street, Stencils, Posters, Zines, Stickers* (Canberra: National Gallery of Australia, 2010).

\(^9\) Definitions taken from Graffiti Glossary at [http://www.at149st.com/glossary.html](http://www.at149st.com/glossary.html)
While the distinction between ‘graffiti’ and ‘street art’ does refer to some generally agreed stylistic differences, the line between them is certainly blurred. For example, while the term ‘graffiti’ often refers to the hip hop based subculture based on stylised letter forms using markers or aerosol paint, ‘street art’ is typically connected to the rendering of characters (as opposed to letter-work), in addition to the extension into other media (paste-ups; stencils, etc). Characters can appear in both styles, and the terms are used interchangeably in some cases, particularly around aerosol character work (see Figure 6). A further distinction concerns the audiences of graffiti and street art. Some scholars have defined graffiti as an egocentric appropriation of space, intended only for a closed audience of other writers in the subculture. In contrast, they suggest that street art has an outward-orientation, aimed at wider public consumption. Again, this is not a sharp distinction. For example, ‘public-style’ aerosol graffiti bridges these differences (see Figure 7).

Box 2: Street Art Terminology

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stencil</td>
<td>A design cut into heavy paper or cardboard, then spray-painted onto a wall.</td>
</tr>
<tr>
<td>Paste-Up</td>
<td>A drawing, stencil etc. on paper fixed to a wall or other surface using wheat paste or wallpaper paste.</td>
</tr>
<tr>
<td>Sticker</td>
<td>A form of tagging, most commonly saying “Hello, my name is”. Can be anything from computer-generated, clear, generic blank stickers that have the writer’s name on them to elaborate stickers with little pieces and characters.</td>
</tr>
<tr>
<td>Yarn-Bombing</td>
<td>Knitted cozies wrapped around objects in the urban environment. Also known as graffiti knitting, or crochiti.</td>
</tr>
</tbody>
</table>

So, the distinction between ‘graffiti’ and ‘street art’ is not clear-cut. As a result, we treat both ‘graffiti’ and ‘street art’ as forms of graffiti practice derived from a common historical origin of urban arts practice traced back to New York/Philadelphia in the late 60s/early 70s contextualized in the distinctive histories of particular cities. There are differences in practice that cohere around the terms graffiti and street art, but they are both forms of graffiti practice, that have their roots in the culture of graffiti ‘writing’ that emerged in

the NE United States. At the same time, leading on from this historical origin, different cities have developed different and distinctive styles and identities within the world of graffiti and street art.

A key shared characteristic of different styles of graffiti practice are their ephemeral form. Graffiti and street art, whether it is permitted or not, always exist as a contested practice, and so graffiti and street art in its material form are always subject to erasure, whether by being removed, by being defaced, or by simply fading away. Public art can also be ephemeral. However, what differentiates graffiti and street art from ephemeral public art is its link to graffiti practice – the history of contested urban arts practice that has become the basis of graffiti and street art subcultures (see A2 below).

Figure 6: Two examples of end-terrace artworks with mixed styles in Glebe. Writers SPICE and TEAZER used aerosol paints to produce the lower ‘productions’ on both buildings combining characters and hip hop style lettering. The upper artworks are street art style drawing on Aboriginal iconography rendered in acrylic paint. Photos: Wendy Murray; survey records 357 (above) and 340 (below).
A1.4 ‘Graffiti’, ‘Street Art’ and the Law

To those familiar with the culture and styles of graffiti and street art, these two terms refer to styles, and do not denote a difference between legality and illegality. Laws and planning regulations may make it illegal to write graffiti or install street art in some places and legal in others. But this means that there is both illegal graffiti and legal graffiti, and illegal street art and legal street art (and indeed, illegal advertising and legal advertising – see below). The crucial distinction here is where something is placed, and what authority it is placed with, rather than what is in place in the public space.\(^{11}\)

It is true that some graffiti writers, street artists, observers and authorities have sought to differentiate between legal and illegal works by using the term ‘graffiti’ to refer to illegal work while using terms such as ‘aerosol art’, ‘street art’, and/or ‘mural art’ to refer to legal work. At present, the City of Sydney’s public statements on graffiti and street art reserve the term ‘graffiti’ for “any unlawful inscription”, and use the terms ‘street art’ and ‘mural’ to refer to any work that has lawful approval.

However, we would argue that the use of the term ‘graffiti’ to refer to illegal works and ‘aerosol/street art’ to refer to legal works is particularly unhelpful, caught up as it is in the unproductive ‘is it art or is it crime?’ debate.\(^{12}\) It is highly problematic to reserve the term ‘art’ for legal work only, given the high artistic quality of much illegal graffiti and street art when considered from an aesthetic perspective. Legality does not correlate with artistic quality. Indeed, according to some, one of graffiti and street art’s signal contributions to the


\(^{12}\) Cameron McAuliffe and Kurt Iveson, "Art and Crime (and Other Things Besides...): Conceptualising Graffiti in the City," Geography Compass 5, no. 3 (2011).
development of contemporary art is its illegal engagement with the street outside the ‘white cube’ of the gallery space.\textsuperscript{13}

As such, we prefer to not use legal definitions of graffiti and street art. We define graffiti and street art as distinct practices that can be captured under the banner of graffiti practice. That is, first and foremost, graffiti and street art are defined by the practitioners, who are embedded in subcultural social networks that reinforce and define their practice.

To further complicate matters, it should be noted that in the current regulatory context, \textit{legality is not the same as permission}. In other words, while in many cases a graffiti writer has secured a property owner’s permission to paint their wall, this does not mean that the piece they paint is legal. In many instances, the property owner is not authorised to grant such permission, because planning and/or criminal codes impose restrictions on the appearance of private property.

All of the forms of graffiti and street art described above have provoked regulatory responses by urban authorities, including the City of Sydney. But before considering these regulatory responses, it is important to put graffiti and street art in their wider urban context.

\textsuperscript{13} Joe Austin, “More to See Than a Canvas in a White Cube: For an Art in the Streets,” City 14, no. 1-2 (2010).
A2. Graffiti and Street Art in the Urban Public Realm

The various styles of graffiti and street art described above exist alongside many other forms of art and address that make use of urban public space. It is important to think about this broader context when thinking about the nature of existing and future responses to graffiti and street art.

A2.1 Public Art and City Art

The City of Sydney has in place a Public Art Policy and Public Art Strategy designed to inform the ways in which the City commissions and maintains art works in the urban public realm. These works can take a wide variety of forms – from sculptural elements incorporated into the built fabric of the public realm to temporary installations of visual or audio artworks.

Some public art work commissioned by the City within this broader strategic framework could be characterised stylistically as street art and/or graffiti. Given this, it is important to note that the City does on occasion play an active role in commissioning street art and graffiti, where commissioning such work would contribute to the broader strategic priorities of the Public Art framework, such as improving the quality of urban design, supporting local artists, and engaging communities (including young people) through art programs. As such, while this report is not primarily concerned with the City’s Public Art Strategy, it will be necessary to incorporate some consideration of the City’s role as a commissioning agent (see Sections B4 and C3).

However, the specific policies and processes that have been put in place to define, approve, maintain and regulate ‘public art’ in the City of Sydney preference a particular set of arts practices that at present excludes consideration of much of graffiti and street art. For this reason we make a distinction between the graffiti and street art and other forms of public art as defined by the City. This aids in differentiating the policy frameworks that relate to graffiti and street art and public art more generally. As we shall see as we progress through this report, this is a key distinction that has implications for a number of policy issues that arise in the management of graffiti and street art.

A2.2 Official notices

The City and numerous other urban authorities (including most notably Roads and Maritime Services) install official notices in public spaces. These official notices communicate place-names, prohibitions, instructions, warnings, marketing and many other messages. In their investigation of the proliferation of official signage in cities, sociologists Hermer and Hunt argue that urban authorities have much in common with graffiti writers, and that official signage is best described as the ‘official graffiti of the everyday’.14

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A2.3 Out-of-home advertising (legal and illegal)

Urban public space is also used by advertisers. Indeed, out-of-home advertising is growing as a percentage of advertising spending in Australia and internationally, partly as a consequence of partnerships between urban authorities and outdoor advertising companies in which those companies are given rights to display advertising in public space in return for the provision and/or maintenance of urban infrastructure such as bus stops and other street furniture.\(^1\) The City of Sydney has such a contract with global outdoor advertising company JC Decaux. Of course, not all outdoor advertising is displayed with permission – bill posters installed on telegraph poles, construction site hoardings, and other surfaces often do not have approval, and are considered as a form of vandalism by the City of Sydney in its graffiti policy.

A2.4 Information advertising and community notices

Indeed, it is probably appropriate to distinguish between paid advertising in the city and more informal advertising and community notices, typically placed by individuals or groups seeking to advertise: events such as meetings, performances and garage sales, and; goods and services such as rooms to let, second hand furniture and cleaning services.

As with graffiti writers, those who place informal advertisements and community notices in the city value its public spaces because of their impact and accessibility – unlike many other forms of media such as print, radio or television, the city’s public spaces are notionally ‘free’ for all to use. While the internal and social media are increasingly offering relatively ‘free’ ways to reach an audience, audiences reached by those means are frequently already known. In the public spaces of the city, by contrast, it is possible to reach strangers.

A2.5 Regulating arts and media in the urban public realm

While we have treated graffiti/street art, public art, official signage, advertising and informal community notices as distinct categories of outdoor media, the boundaries between these categories are fuzzy. For instance, urban authorities are often commercial advertisers themselves, and both authorities and brands frequently make use of graffiti and street art styles and techniques in their advertising. Likewise, those installing community notices and advertisements in public space frequently do so without authority, similar to graffiti writers and street artists.

Not surprisingly, each of these forms of outdoor art and media have generated conflict over what they can look like and where they can be placed. Those who use the urban public realm to attract the attention of a particular audience make calculations about the style, content and location of their communication best suited to reach that audience. In response, urban authorities such as local governments and state planning agencies

have sought to establish rules to regulate the form, content and location of various outdoor arts and media. Penalties for non-compliance also exist, and some forms of non-compliance have been criminalized.

Importantly, it is not only graffiti writers and street artists who have broken laws and planning regulations. Just as there is legal and illegal graffiti, so too there are legal and illegal paid advertisements (some advertise on billboards with planning approval, others advertise on bill posters which do not), and there are legal and illegal community notices (some are posted on poles designed for community notices, others make use of electricity poles or bus shelters). And as we shall see in the next section, even state authorities have resorted to illegality in their interventions in the outdoor media landscape.

Further, not all illegal forms of outdoor art and media are deliberately illegal. Some illegal media may be the result of ignorance of regulations rather than flouting of regulations. Some illegal media may be the result of changes to regulations and laws that render previously acceptable forms of media unacceptable.

While all illegal interventions in the outdoor arts and media landscape have generated conflict and controversy at some times, it is fair to say that graffiti and street art have generated the most conflict, controversy and regulatory attention. This is largely because of the negative meaning that has been ascribed to graffiti by those who adhere to a particular understanding of the impact of graffiti on urban quality of life. We now turn to consider that regulation.
A3. Conclusion

In Section A, we have made the following key points:

• While there is a long history of graffiti and street art in Sydney, new forms of graffiti practice emerged in the 1980s, influenced especially by contemporary graffiti practice in the United States;

• The terms ‘graffiti’ and ‘street art’ are used by practitioners to refer to related but distinct styles of graffiti practice;

• As styles of graffiti practice, the terms ‘graffiti’ and ‘street art’ do not equate to ‘legal’ and ‘illegal’ – there is legal and illegal graffiti, just as there is legal and illegal street art;

• Graffiti practice is distinct from other forms of public art, not just in its style but also in its form – as a form of art on the street, an expectation of ephemerality is an inherent element of graffiti practice;

• Graffiti exists alongside other forms of public address as part of a wider ‘outdoor arts and media landscape’, and each of these forms generates regulatory challenges.

Each of these points is important to keep in mind as we consider the ways in which graffiti practice is conducted and regulated in the City of Sydney. In particular, in this section we have shown why we believe that graffiti and street art require their own policy response that is distinct from both public art and signage/outdoor advertising policies, but which also should be coordinated with these policies.
Section B: Policy Responses to Graffiti and Street Art in Sydney

The new forms of graffiti and street art that gained prominence in the 1980s and 1990s in Sydney described in Section A have provoked a range of policy responses. In this section, we consider the ways in which a variety of urban authorities – including local governments in general and the City of Sydney in particular – have engaged with contemporary graffiti practice. Our purpose here is to distinguish the different kinds of engagements, and to critically analyse the assumptions about graffiti and street art that inform them.

In Sydney as in many other cities, the dominant policy response to graffiti and street art has been repression and criminalisation, in the form of a ‘war on graffiti’. However, while the repressive ‘war on graffiti’ typically asserts that graffiti and street art devalue urban environments, urban inhabitants and authorities around the world are coming to embrace the notion that certain forms of graffiti and street art can actually make positive contributions to places and communities.

In this section, we summarise the following key policy approaches to graffiti and street art:

- The repression and criminalisation of graffiti and street art, informed by the notion that graffiti and street art is perceived negatively by urban inhabitants and undermines community safety. We spend considerable time unpacking this approach, given both its dominance in the policy field and the emerging evidence about the limitations of its assumptions (B1);
- The provision of legal graffiti spaces, informed by the principles of youth engagement and harm minimisation (B2);
- The implicit or explicit recognition of ‘permission’ arrangements between graffiti/street artists and property owners, informed by the notion that such arrangements can help add ‘character’ to urban neighbourhoods (B3);
- The commissioning of high quality graffiti and street art by urban authorities, informed by the notion that graffiti and street art can contribute to both ‘place-making’ and the ‘creative economy’ (B4).

We then conclude the section with a discussion of the implications of this analysis for policy reform in the City of Sydney.
B1. The repression and criminalisation of graffiti and street art from the 1980s to the present: graffiti and street art as ‘anti-social behaviour’

Since the arrival of graffiti practices influenced by hip hop culture in the 1980s, Sydney has been caught up in an ever-expanding ‘war on graffiti’ waged by state and local governments of all political persuasions, supported by key media and cultural commentators. In their efforts to repress graffiti, successive NSW Governments have: established specialist anti-graffiti police squads; restricted the sale of spray paint and ink markers; criminalised the possession of graffiti writing implements; introduced ever harsher penalties for illegal graffiti writing; authorised local governments to remove graffiti from private property without permission from property owners. Various local governments have contracted private companies to remove graffiti from walls and surfaces within their LGA as rapidly as possible, with a particular emphasis on ‘rapid removal’ at identified ‘hotspots’. The private sector has developed and marketed a range of ‘graffiti-proof’ building technologies and surveillance devices. In short, the dominant response to graffiti and street art in Sydney since the 1980s has been repression and criminalisation. While it is difficult to count the costs of these repressive measures, it certainly runs into the hundreds of millions of dollars annually (see Box 3).

Box 3: The current legal framework for repression of graffiti in NSW: the Graffiti Control Act 2008

The Graffiti Control Act 2008 (NSW) sets the broader legal context for graffiti and street art practice and regulation in Sydney. The Act sets out a series of graffiti related offences, which include:

• the marking of premises and/or property without consent of the owner and/or occupier, including the use of spray paint, a market pen, a bill poster, or any other implement that will “produce a mark that is not readily removable by wiping or by use of water or detergent”;
• possession of a graffiti implement “with the intention that is be used to commit an offence”;
• the sale and supply of spray paint to a person under the age of 18;
• the possession of spray paint in a public place by anyone under the age of 18, unless it is for a “defined lawful purpose”;
• the display of unsecured spray paint in any shop.

Penalties for graffiti-related offences range from orders about drivers licences, community clean-up work, fines and imprisonment for repeat offences.

Part 4 of the Act also sets out a range of powers for Local Government to carry out graffiti removal work – including without the agreement of the owner or occupier of any land if the graffiti is visible from a public place.

Several recommendations in this report focus on the role for the City in establishing opportunities for graffiti and street art that are lawful under the terms of this Act. For instance, so long as they are compliant with other

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16 For a longer historical account of the repression of graffiti and street art in Sydney, see Kurt Iveson (2007) Publics and the City, Chapter 5.
laws and regulations such as planning controls, ‘legal walls’ (Section B2), ‘permission walls’ (Section B3) and curated outdoor graffiti and street art (Section B4) are all permissible under the Act.

However, some aspects of the Act introduce a degree of complexity for the City of Sydney’s current approaches and for the approaches recommended in this report. In particular, the establishment of ‘legal walls’ has, in some parts of Sydney, been opposed by local police on the grounds that such spaces provide an ‘alibi’ for people in possession of spray paint, who are able to claim that it was only to be used at the legal wall site. Similarly, permission and commission arrangements where artists have letters from property owners could be used as a defence against prosecutions for possession of graffiti implements.

However, while some police have opposed the provision of spaces on these operational grounds, the Act clearly sets out the possibility of lawful possession of spray paint in these circumstances. Section 8B of the Act states that:

It is a defence … to a prosecution for an offence under this section that the person (a) had the spray paint in his her possession for a defined lawful purpose, being the lawful pursuit of an occupation, education or training, or (b) had the spray paint can in his or her possession for another defined lawful purpose and was at or in the immediate vicinity of the place where the spray paint can was being used or intended to be used for that defined lawful purpose.

In this section, a “defined lawful purpose” is:
(a) the lawful pursuit of an occupation, education or training, or (b) any artistic activity that does not constitute an offence against this Act or any other law, or (c) any construction, renovation, restoration or maintenance activity that does not constitute an offence against this Act or any other law, or (d) any other purpose authorised by the regulations.

In this part of the Act, clear references are made to the use of spray paint for ‘lawful purposes’ that include “any artistic activity that does not constitute an offence against this Act”. As such, we do not believe that the provisions of the Act can legitimately be used to oppose measures such as legal walls, permission walls, and commissioned street art and graffiti.

Repression and criminalisation were not the immediate responses to new forms of graffiti when they emerged in the 1980s. Criminologists engaged by rail authorities initially argued for a community engagement approach with the young people who had taken up spray cans and ink markers on railway property. But that idea never gained traction in a climate of growing moral panic about graffiti, and political leaders increasingly argued that any toleration of graffiti was intolerable. Like graffiti writers, politicians too were influenced by developments in the United States – in particular, many embraced policing strategies and political ideologies initially devised in New York City which sought to eradicate graffiti in order to improve urban ‘quality of life’.

The year 2000 was a pivotal moment in the repression of graffiti in the city. While the New Year was ushered in by celebrations which included the glorious reproduction of Stace’s ‘Eternity’ graffiti on the Sydney Harbour Bridge, the Sydney 2000 Olympic Games were preceded by a costly and largely indiscriminate crack-down on all forms of graffiti and street art pursued by both the NSW State Government and the City

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17 P. Wilson and P. Healy, Vandalism and Graffiti on State Rail (Canberra: Australian Institute of Criminology, 1986).
of Sydney. At the time, graffiti writer SPICE referred to this crack-down as a ‘brown-out’ of the city. While illegal graffiti in certain areas (for example, along railway corridors) was certainly a target of the brown-out, plenty of legal and permitted graffiti and street art was also removed at this time. As Sydney Lord Mayor at the time, Frank Sartor later admitted that the City of Sydney not only removed graffiti from its own assets during this period, it also illegally removed graffiti from private property without first seeking the owner’s permission. (This practice was made legal by the State Government with the introduction of new legislation in 2002.)

As Lord Mayor, Sartor was also responsible for establishing the first contracts for private companies to undertake ‘rapid removal’ of graffiti on behalf of the City. On his resignation from the Lord Mayoralty in 2003, Sartor reflected that he was “particularly proud of the graffiti legislation. We’re removing it now within 24 hours”. Also in 2003, his replacement Lord Mayor Lucy Turnbull continued to argue that her administration’s vision of the City of Sydney as a “Living City” was one that was “clean, safe and graffiti-free.” Residents being incorporated into the City of Sydney from suburbs such as Glebe, Kings Cross, Woolloomooloo, Redfern and Erskineville were promised that they would benefit from the extension of the City’s high level of services in areas such as graffiti removal.

Informal arrangements between property owners and graffiti writers in those newly-incorporated residential suburbs for ‘permission walls’ entered a period of uncertainty, as parties were not always clear about whether such arrangements would be respected by the City of Sydney.

### B1.1 Repression of graffiti and the ‘incivilities thesis’

The dominant repressive response to graffiti has been strongly influenced by the ‘incivilities thesis’. According to this thesis, “disorder in the community, rather than crime itself, leads to increased fear of crime through an emotional response of perceived vulnerability”. These perceptions of vulnerability are thought to be particularly damaging for communities because they can result in a vicious cycle of decline which may indeed lead to an increase in crime itself – if people feel vulnerable in a place, they may use it less, thereby reducing those forms of ‘passive surveillance’ which make people feel safe and which reduce opportunistic crime, thereby further reducing its use, etc. Famously, criminologists Wilson and Kelling equated apparently trivial forms of incivility and disorder with ‘broken windows’ which go unfixed, sending a visual cue to residents and criminals alike that disorder and crime are tolerated in a given place.

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19 While NSW legislation currently gives local governments authority to remove graffiti from private property without permission, this power was only given in 2002. At that time, Sydney Lord Mayor Frank Sartor “admitted that in days leading up to the Olympics, the City of Sydney had resorted to removing graffiti from CBD walls illegally” – see Sydney Morning Herald, 13 April 2002, p. 35.


21 Daily Telegraph, 8 April 2003, p. 17.

22 During our research, we were told anecdotes about Council officers seeking advice from graffiti writers about which permission walls to protect after the Council merger.

23 Lynne Roberts and David Indemaur, What Australians Think About Crime and Justice: Results from the 2007 Survey of Social Attitudes (Canberra: Australian Institute of Criminology, Research and Public Policy Series, No. 101, 2009), p. 13

Wilson and Kelling identified subway graffiti in New York City as a kind of ‘broken window’, and their perspective on graffiti has been highly influential in positioning graffiti as a form of incivility, disorder and/or anti-social behaviour. From this perspective, the harm caused by graffiti is not restricted to functional damage. So, for instance, while the functionality of a wall or train carriage may not be affected by graffiti, they claimed that graffiti could nonetheless make people feel vulnerable, with the harmful consequences described above.

The repressive response to graffiti has been critiqued from practical, conceptual and ‘value-for-money’ points of view. We now discuss each of these critiques in turn, in sections B1.2, B1.3 and B1.4.

B1.2 The failures of repression: displacement and stylistic simplification

Practically speaking, neither State nor Local Governments have succeeded in eradicating graffiti or street art through these repressive approaches. In Sydney as elsewhere, victories in the war on graffiti are only ever local, and never total – as certain locations are cleaned of graffiti through ‘hot spot’ removal and/or protected against graffiti through the use of design measures, graffiti moves to new locations in a process of displacement. Anecdotally, this process of displacement has been acknowledged by Sydney rail authorities, who noted that the crack-down on graffiti on rail infrastructure in the 1990s displaced graffiti to the city at large. Less anecdotally, quantitative geo-spatial analysis of 12,000 graffiti removal records in the City of Sydney for a 6 month in 2010 period also supported the notion that graffiti was displaced rather than reduced or eradicated – graffiti increased over the six month period, and removal hot spots were highly mobile across the LGA.

Along with displacement, repression has also had the effect of producing more of the forms of graffiti that are typically most disliked. Higher penalties and rapid removal reduce the incentive for graffiti writers and street artists to spend any time on their work, thereby encouraging quicker styles such as tags or more permanent styles such as glass etching (see Figure 8). This phenomenon has been observed in Australia generally, including in the City of Sydney, and internationally. The irony here is that many people in the community find tags and etching far more annoying than more colourful graffiti pieces and street art.

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25 For instance, NSW MLA Michael Richardson read sections of Wilson and Kelling’s original article in Hansard in debating the Graffiti Control Bill (NSW) 2009 – see Speech to NSW Legislative Assembly, 12 November 2009, Hansard Papers p. 11297.
26 Iveson, Publics and the City.
29 Haworth, Bruce, and Iveson, "Spatio-Temporal Analysis of of Graffiti Occurrence in an Inner-City Urban Environment."
B1.3 Misplaced assumptions: it turns out that not everyone dislikes graffiti and street art...

The fact that State and Local Governments persist with repression in spite of its apparent failures is typically justified on the grounds that authorities are responding to community concerns about the presence of graffiti. But the evidence to support this claim is thin, and there is growing evidence to suggest that community attitudes are far more complex.

There is very little reliable data on community attitudes towards graffiti in Sydney, or Australia more generally. Some surveys, such as the 2007 Australian Survey of Social Attitudes, seem to indicate that graffiti is not a big deal for the majority of the community — it found that 71% of Australians do not believe that graffiti is either “a big problem” or “a problem at all” in their local area. Other surveys, such as the National Survey of Community Satisfaction with Policing, seem to indicate that graffiti is a problem for the majority — 85% of respondents to that survey believed that graffiti or other forms of vandalism were a ‘major problem’ or ‘somewhat of a problem’.

While some large-scale surveys report negative attitudes towards graffiti, we must be careful how to interpret these findings. First, we should critically interrogate the source of any negative attitudes. Claims that graffiti is indicative of disorder and more dangerous crime have now been articulated so frequently by politicians and other public figures that we must admit the possibility that advocates of the ‘broken windows’ thesis have helped to create the very perceptions of graffiti to which they claim to respond. Criminologist Murray Lee describes this as the ‘fear of crime feedback loop’: as graffiti becomes increasingly criminalised...

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31 Roberts and Indemaur, *What Australians Think About Crime and Justice: Results from the 2007 Survey of Social Attitudes*, p. 14
32 Anthony Morgan and Erin Louis, *Key Issues in Graffiti* (Australian Institute of Criminology, Research in Practice, Summary Paper No. 6, December, 2009), p. 3
and labelled as a symbol of incivility and unsafety it also becomes increasingly ‘experienced’ by the public as a symbol of disorder. Members of the public come to perceive a place with graffiti as dangerous because it contains symbols they have been told to fear.33

A second, and perhaps even more significant, limitation of existing large-scale surveys of community attitudes is that they do not tell us whether members of the community make distinctions between different forms and locations of graffiti and street art. As noted in Section A, graffiti and street art involve a range of styles and forms, from tagging with markers, stencils and paste-ups, stickers and throw-ups, through to elaborate aerosol pieces and productions. Each of these styles has the potential to evoke different responses from stakeholders. For example, anecdotal evidence suggests there is less support among City residents for tagging than for productions on the side of terrace houses. These aesthetic considerations of style correlate with ideas of ‘quality’, with high quality being associated with particular styles of graffiti. With regards to location, the same piece of graffiti or street art placed in different locations will elicit different responses. For example, an aesthetically pleasing graffiti piece on the side of a terrace in a Newtown back street may have less impact than the same piece of graffiti in a high traffic area in the CBD. In this case, the impact of graffiti or street art is related to the amount of people who see it, or to the profile of the location. The type of location is also important. For example, a piece of street art on a residential wall may be valued differently to the same piece on a car, or on a piece of playground equipment. In asking simple questions about attitudes to ‘graffiti’, then, most existing surveys of community attitudes towards graffiti fail to allow for the fact that respondents might have different attitudes towards tags on a war memorial and colourful pieces in a storm water canal or posters in a laneway.

In fact, there is growing evidence to suggest that members of the community do have different perceptions of different forms and locations of graffiti. For instance, research has shown that in certain locations in Australian cities graffiti provokes precisely the opposite perceptions and impacts of those predicted by the ‘incivilities thesis’. In Melbourne, Dovey et al found that many residents of inner city Fitzroy and Brunswick perceive some forms of graffiti to make a positive contribution to the ‘urban character’ of their locality. The attitudes towards graffiti of residents interviewed for their study sometimes moved “from irritated to neutral and then to positive in a single response”. The authors concluded “The distinction between good and bad graffiti is linked to both where it is and the artistic quality”.34 Similarly, when Marrickville Council surveyed residents of St Peters about the curated outdoor graffiti gallery in May Lane, they found that 77% of respondents thought the street art along May Lane was a unique cultural attraction, 53% felt the May Lane street art initiative contributed to the revitalization of the area, 68% thought there was a role for local businesses to play in supporting street art, 91% distinguished a difference between “tagging” and “graffiti” and “street art”, and 88% agreed there was a role for Council to play in supporting street art.35 In May Lane, graffiti and street art have actually helped to enhance, rather than reduce, community safety, as the commitment to improving the quality of graffiti has resulted in increases in both human activity and pride in the lane.36

35 Caroline McLeod, Street Art and Graffiti in May Lane and Surrounding Areas St Peters (Marrickville: Report to Marrickville Council Services Committee Meeting 9 November, S1110 Item 2, 2010).
36 Kurt Iveson, “The May Lane Street Art Project: Making a Better City through Graffiti,” in May Lane Street Art Project: Exhibition Catalogue (Bathurst: Bathurst Regional Art Gallery, 2010).
Of course, outside of such social scientific research, there is plenty of evidence that many in the community appreciate some forms of graffiti and street art — these artforms are celebrated in an ever-expanding number of books, documentaries, websites, and events that are all finding large (and indeed lucrative) audiences. In 2011, for instance, more than 86,000 people visited Cockatoo Island over 5 weeks for the Outpost Festival, which was a showcase of graffiti and street art by over 150 global and local artists.  

Certainly, then, there are people who dislike (and even hate) certain forms of graffiti and street art. Importantly, however, there is disagreement on this matter in the wider community. Such disagreements about what belongs or doesn’t belong in the urban spaces of the city are normal. By recognising the existence and ongoing nature of disagreements about how we use the spaces of the city we can better engage a more inclusive urban spatial politics. In fact, taking this view gives us the opportunity to reconfigure disagreements to see divergent voices as key contributors to a vibrant politics of urban spaces. We see public space as a contested arena where there will always be a measure of disagreement and dissenting voices will always be present. A vibrant public sphere is one where ideas about social life may be nurtured so that they can become the basis of communal attachments. But this is not a singular vision of community. People should be allowed to have their own ways of understanding their attachment to community. A public sphere that recognises the different, and sometimes divergent, ways people value their community, will produce an active and vibrant connection to urban place.  

**B1.4 The Escalating Costs of Repression and Criminalisation for Local Government**

Taking a repressive stand against graffiti is an expensive affair. The wars against graffiti have proven to be both costly and largely ineffective. As we have noted, graffiti practices have adapted to zero tolerance conditions through displacement and stylistic innovation. While the NSW State government persists in advocating the zero tolerance approach to graffiti management, much of the cost of removal falls on local government. This was exemplified in the 2010 NSW Legislative Assembly Report on Graffiti and Public Infrastructure (NSW Government 2010), which reinforced the zero tolerance position and recommended local councils pursue, “special levies as a method of providing additional funding” in order to fund the increasing costs of removal under a zero tolerance approach.

In response to this cost-shifting, local governments in Sydney and elsewhere in Australia have been employing a wide array of approaches to the management of graffiti and street art. A study by Mark Halsey and Alison Young identified a complex range of policy approaches at local government level in Victoria, South Australia, New South Wales and Western Australia. In response to the diversity of practices, styles and motivations of graffiti writers, they note that local councils have employed a variety of policies that centre on...

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41 Mark Halsey and Alison Young, 2002, op.cit.
four key areas: removal; criminalisation; welfarism; and acceptance. In many cases local government policies combined two or more of these areas in their policies. This was confirmed in more recent research that noted graffiti management policies often combine themes of removal, enforcement and engagement.

**B1.5 Beyond the law? Informal toleration of graffiti and street art in ‘leftover’ spaces**

Despite the expense of repressive efforts to reduce and/or eradicate graffiti, the results have typically been spatially uneven. In many cities, including Sydney, graffiti writers and street artists have found ‘left over’ spaces where their work tends not to attract the focused attention of urban authorities. Abandoned buildings, car parks, and storm water canals are examples of the kinds of spaces we have in mind here. By their nature, such spaces tend to be temporary and relatively hidden from view.

While it might appear odd to suggest that the existence of such spaces is the product of a form of ‘regulation’, in fact we would argue that urban authorities are often complicit in the existence of these arrangements. That is, while graffiti and street art in such locations might not be legal or positively endorsed, they are sometimes tolerated. This toleration, while it is the product of a pragmatic and largely unspoken approach to the regulation of urban space, is significant in enabling the on-going practice of graffiti and street art. Such spaces frequently play an important role for graffiti writers and street artists as places where they can express themselves freely, without either the constant threat of surveillance or the requirement to adjust to the needs of other parties such as property owners or sponsors.

As well as playing a significant subcultural role as spaces of expression and experimentation, the appropriation of ‘left over’ space has an explicitly political dimension for some graffiti writers and street artists. Further, and perhaps unexpectedly, ‘left over’ spaces can have an economic function – both artists and journalists who have ventured into spaces such as the Glebe Tram Sheds have noted that they frequently act as backdrops for commercial photo and video shoots.

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42 ibid, p 175.
44 This was reported by several graffiti writers in our focus groups. See also *Sydney Morning Herald*, April 11 2009.
B2. Legal graffiti programs and legal walls: graffiti and street art as tools for youth engagement and harm minimisation

Either in conjunction with, or as alternatives to, the repression of illegal graffiti, some urban authorities have sought to expand opportunities for legal graffiti and street art in an effort to divert practitioners from illegal work. Here, we see the beginnings of a policy approach that differentiates between ‘bad’ and ‘good’ graffiti and street art. While these efforts have tended to equate ‘good’ graffiti with ‘legal’ graffiti, they have been informed by the idea that graffiti and street art are not bad per se, and that some forms of graffiti and street art might actually contribute to broader policy agendas in the city such as youth/community engagement.

B2.1 The forms of legal graffiti: programs and walls

The efforts of urban authorities to make space for legal graffiti and street art opportunities have tended to take two related but distinct forms:

- **Legal graffiti programs**, typically based in youth and/or arts services, where young people are given opportunities to develop their graffiti and street art skills in a legal and safe space;
- **Legal graffiti walls**, which are sites where anyone is authorised to write graffiti without requiring permission.

In many cases legal programs and walls are related – for instance, legal graffiti walls are sometimes ‘managed’ by services who provide legal graffiti programs – these are nonetheless distinct policy options. We now consider these policy options in more detail.

B2.2 The rationale for legal graffiti and street art opportunities: youth engagement, shifting graffiti practice from ‘risk’ to ‘style’, and safety

In their efforts to engage young people (especially some groups defined as ‘at-risk’), community-based youth services funded through State and Local Government grants have frequently provided ‘legal graffiti’ programs.\textsuperscript{45} Such programs typically engage well-established graffiti writers and street artists to provide structured opportunities for skill development in their artistic practice. Alongside these legal graffiti programs, some local governments have also experimented with the provision of ‘legal graffiti walls’ – places where anyone is free to write, paste, stencil, etc, without permission, within very broad limits.

Diversion programs seek to divert people way from at-risk behaviours towards behaviours considered more socially acceptable and productive. When led by experienced and well-respected graffiti writers/street...

artists, diversion programs may seek to reorient the values associated with graffiti by shifting the focus from ‘risk’ to ‘style’. That is, these programs seek to shift the value system central to graffiti practice for young writers/artists, from a focus on risky practices as a means of achieving respect among sub-cultural peers, to one where the artistic qualities of graffiti and street art are paramount. In these programs, graffiti practice continues to be supported, but there is an emphasis on permissible forms – the focus is on doing ‘good’ graffiti.

Within graffiti subculture the element of risk is often rewarded with respect from other writers. However, there is evidence to suggest that as younger graffiti writers age and take on adult roles, such as raising a family and having fulltime employment, many become more interested in legal or sanctioned practices that focus on the quality of the work produced rather than the risk undertaken in ‘getting up’. There are currently a number of high profile graffiti writers operating in the Sydney metropolitan area whose practices predominantly involve sanctioned sites, like legal walls. Some of these writers have worked extensively with youth services and local government in Sydney implementing programs that promote style over risk through a focus on legal graffiti practice (see Box 4).

Box 4: Graffix and Street Uni

Emerton Youth and Recreation Centre, a Blacktown City Council youth service, has successfully hosted the Graffix program, run by a senior respected graffiti writer, SPICE, as a weekly afternoon drop-in workshop. The mentor–led sessions focus on the artistic and stylistic elements of graffiti, working across different media including working on canvas using both spray paints and brushes. This program has been successful in diverting young people from illegal/unauthorised risk-laden practices towards legal and ‘productive’ pathways.

Despite demonstrated successes, the main challenge for the program was the lack of legal spaces for the participants to practice their graffiti. The service overcame this in part by using the walls of the youth service and through the use of a 30 metre demonstration wall that was constructed for use during events, such as Youth Week. This program was expanded to include the Blacktown Youth Services Association, but the shortage of legal spaces remains a concern.

In Liverpool LGA, the Noff’s Foundation initiative, Street University, has become an important part of the youth services landscape. Street University runs graffiti workshops as a part of a broad focus on hip hop practice for young people in and around Liverpool. The graffiti workshops are run by MISTERY, who has delivered programs for over twenty different local government and third sector youth services. MISTERY is a well-respected writer whose practice extends back into the origins of Sydney’s graffiti subculture in the 1980s. The Street University graffiti program focuses on legal practice using the walls of the Street University facility. The walls of the facility are designated for different levels of experience. MISTERY paints the main wall with a major production that he changes periodically (see Figure 9). The side wall is for writers who feel confident

enough to do a piece. This wall is controlled by MISTERY and operates like a permission wall. A third wall is a ‘free-for-all’ space where anyone can try their hand.

Figure 9: Street University has set up different walls for use by different users inside its Liverpool facility. This image details the ‘production wall’ completed by MISTERY (left) and the ‘piece wall’ completed by MISTERY, CHEZ, SWAYZE and DESTA. A third wall is open for anyone to use and is more dynamic and contested with graffiti of varying standards. Photos: Cameron McAuliffe.

An important local site for the Street University clients is the ‘water tanks’ legal graffiti site adjacent to the Casula Powerhouse. This site has been subject to threats of closure and demolition by Liverpool Council over the last few years. Each time this threat manifests, Street University mobilises cohorts of young people and other advocates to petition Council and attend Council meetings in order to express the importance of the site to local young people. MISTERY has supplied the Council with a proposal for Street University to operate a register of users at the water tanks. At present the legal wall remains active, but its future remains uncertain.

B2.3 Debates about legal graffiti and street art programs

Diversionary programs and legal walls are not without their critics. Their credibility has been questioned by some graffiti writers and street artists.49 Others argue that these programs send ‘mixed messages’ to young people, by legitimising their interest in graffiti and street art, and some go so far as to claim that they encourage illegal graffiti and street art. On the other side of the debate, supporters argue that diversionary programs provide important opportunities for skills development, youth and community engagement, urban environmental improvement, and community pride, as well as reducing the frequency of unsanctioned graffiti and street art (see Box 4). Research on the operation of legal graffiti programs and walls suggest that they are particularly significant for younger, aspiring graffiti writers and street artists to develop the skills and networks that might enable them to develop their craft.50

A further consideration in the provision of legal sites is that of safety. Legal walls provide safe places for graffiti writers and street artists to practice, in the ‘light of day’. They also become safe places for young people under the age of 18 who are not permitted to carry ‘graffiti implements’ unless they can provide

49 Iveson, Publics and the City.
50 McAuliffe, “Legal Walls and Professional Paths: The Mobilities of Graffiti Writers in Sydney.”
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evidence they are not involved in criminal activity, as defined in the Graffiti Control Act (2008) (See Box 3). Previous research conducted in Sydney found that young writers and artists will travel large distances across the metropolitan area to access legal spaces.\(^{51}\) Some young people are able to rely on parents to drive them to legal sites. For other young people practicing graffiti and street art whose parents are unaware of their activities, travelling to and from legal spaces opens them up to risks of being stopped and searched.

Legal wall programs that have been implemented in Sydney and elsewhere have periodically failed due to expectations that they would lead to the displacement of all graffiti from unauthorised sites to legal walls (see Box 5).\(^{52}\) Legal walls do not stop graffiti. Rather they recognise the diversity of graffiti practice and provide spaces for those who prefer to focus on style rather than risk.

Diversionary programs like legal wall programs open up broader criteria for success in graffiti management. Whilst these programs may help reduce the presence of illegal graffiti and street art, this is not their only contribution to the management of graffiti and street art. They introduce further criteria for ‘success’ beyond the reduction and/or eradication of graffiti. They suggest we need to better understand the ‘problem’ before we develop effective ‘solutions’.\(^ {53}\)

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**Box 5: Networks of graffiti walls**

Parramatta City Council maintained a legal graffiti wall program from 2004 to 2009.\(^ {54}\) The nine sites in the Parramatta LGA were used by local graffiti writers of varying levels of experience, as well as some writers who travelled large distances across the metropolitan area to use these legal walls. These writers who travelled larger distances were generally older and had access to cars, and included experienced, high profile writers, and those who were less experienced, or just starting out. For the high profile writers in particular, the legal walls were an integral part of the networks of walls they maintained across the Sydney metropolitan area.

When the program was discontinued, and the walls were demolished to prevent ongoing unauthorised graffiti (see Figure 10), these more experienced writers were able to shift their focus to other walls in their networks outside of the Parramatta LGA. Less experienced writers, who did not have a network of permission walls to fall back on, were forced to either travel to other legal walls, say, in Liverpool or in Warringah LGA, or to attempt to set up permission sites themselves, or to fall back on unauthorised graffiti practice. Finally, for those who lacked mobility, such as the younger local graffiti practitioners, the loss of legal sites forced them to either discontinue graffiti or to take up unauthorised graffiti. Far from ‘solving’ the graffiti problem in Parramatta LGA, the removal of the legal walls has pushed higher quality graffiti and street art elsewhere and entrenched undesirable practices in the LGA.

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\(^{51}\) McAuliffe 2013, op.cit.  
\(^{52}\) McAuliffe 2013, op.cit., pp. 525-531  
\(^{53}\) Iveson, “War If over (If You Want It): A New Approach to the Graffiti Problem.”  
\(^{54}\) McAuliffe 2013, op.cit., pp. 518-537
The wall changed weekly, with both more experienced writers (Weeks 3 and 16) and less experienced writers (Weeks 15 and 18) using the wall. The legal status of this wall, along with eight other legal walls in the LGA, was reversed and the walls were painted over (Week 24) before being demolished (Week 28).

Photos: Cameron McAuliffe.
B3. Permission walls: graffiti and street art as tools for building ‘urban character’

Established graffiti writers and street artists frequently negotiate their use of space directly with property owners, establishing walls we will refer to here as ‘permission walls’. As local arrangements between specific artists and property owners, these permission walls are distinct from ‘legal walls’ discussed above in that they are not made available for anyone to paint, stencil or poster. Here, we trace the emergence of permission walls, their relationship to the law, and their role in the making of a distinct ‘urban character’ in the neighbourhoods where they tend to be concentrated.

B3.1 The difference between ‘permission walls’ and ‘legal walls’

Permission walls differ from legal walls (B2) in three key ways. They are the result of agreements between a building owner and a specific artist or group of artists. Some of these pieces of graffiti or street art have then been ‘approved’ by the City as a result of a complaint from the public or notification via cleaning contractors, the rangers or Neighbourhood Centre staff. However, at this stage, most of the permission walls in the City are not approved, and represent only the minimal agreement between the building owner and the artist. In contrast, legal walls are approved sites for graffiti practice.

The second difference between permission walls and legal walls is that legal walls often operate in a more open fashion. They are not limited to a single writer/artist, or a ‘crew’, but are instead more open and dynamic than permission walls. Further, these legal walls do not depend on the owner giving permission for individual writers/artists to use the space. The space is open for anyone to use within the bounds of graffiti practice.

The third difference between permission walls and legal walls is that permission walls tend to be privately owned walls (both residential and commercial), whereas legal walls are predominantly state-run infrastructure, such as soccer kick-walls in public parks, or associated with skateboard parks, or on the walls of youth centres.

B3.2 Permission walls: legal or illegal?

Depending on where these permission walls are, and the planning codes that regulate the appearance of private property in that location, permission walls might be legal or illegal. In other words, permission is not the same as legality. Different urban authorities take different approaches to such arrangements – from some places where legality is conferred with permission, to others where retrospective or prior planning approval is required before permission acquires the status of legality. As we will note in Section C, many such permission walls exist in the City of Sydney, with different legal statuses.
Permission walls are significant because they can transform the practice of artists, and in doing so transform the community’s engagement with graffiti and street art. Once permission is secured, writers and artists are able to invest significant time and resources into their work, frequently resulting in work of high quality. Such works can become important and valued place-markers in their locality, adding character to their local neighbourhood. For instance, many of the graffiti and street art works highly valued by residents in inner city suburbs in Melbourne are permission walls (see Section B1.3). Further, the daytime installation of work on permission walls provides opportunities for encounter between artists and locals/passers-by, which can help to break down stereotypes on both sides.

B3.3 From permission walls to ‘halls of fame’

In some cities, including Sydney, some property owners have moved beyond individual permission walls to curate outdoor galleries and events for the display of high quality graffiti and street art. In some cases, these curated spaces are the initiative of property owners and artists, without much involvement from urban authorities. For instance, during the 1980s and 1990s, a ‘Graffiti Hall of Fame’ was established in the car park of a meatworks in Alexandria, courtesy of owner Tony Spanos (see Box 6). Not far away in St Peters, business owner Tugi Balog has invited numerous artists to paint the walls of his business in May Lane, as well as negotiating with his neighbours to offer further space for visiting artists. The work curated in May Lane has toured Australia in a series of exhibitions organized by the Bathurst Regional Art Gallery and funded by the Commonwealth Ministry for the Arts.

Box 6: The Graffiti Hall of Fame

About twenty years ago Tony Spanos, the owner of a meatworks on Botany Rd, Alexandria, made his car park and its walls available for local kids. Graffiti used to pop up every now and again, and having had a colourful childhood himself, Spanos knew better than to fear the kids who were expressing themselves on his walls. Concerned about the growing criminalisation of these graffiti writers, Spanos wanted to give them some breathing space in the inner city where they could paint and create with permission.

The space blossomed. As word spread, some of the best graffiti artists in the city started to frequent Spanos’ car park, which came to be known as the Graffiti Hall of Fame (see Figure 11). It also played host to dance parties and other kinds of gatherings. A vacant space beside meatworks in an industrial area had come to life, as new connections between people and place were made. The Graffiti Hall of Fame sustained a particular way of living in, and caring for, the city. As Spanos put it once in an interview by the Sydney Morning Herald:

A car park is all I have given these kids and they created their own energy. The Government has billions of dollars and all they needed was a car park in a meatworks.

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55 Dovey, Wollan, and Woodcock, "Graffiti and Urban Character."
56 Iveson, "The May Lane Street Art Project: Making a Better City through Graffiti."
Eventually, the trouble came to be that there was a little too much life in this carpark. Inevitably, as this part of Botany Rd was rezoned from industrial to commercial and residential, and the space became the subject of complaints and legal challenges by new residents. It was finally shut down by a decision of the Land and Environment Court. A block of apartments has recently been constructed where it once stood. Such change is of course inevitable, and is part of the ephemerality that is central to graffiti practice.

**B3.4 Permission walls and the ‘street art milieu’ in urban neighbourhoods**

Permission walls tend not to be evenly distributed across cities in which they exist. Rather, they tend to be concentrated in particular neighbourhoods, which develop a reputation among both local residents and visitors for the quality of the graffiti and street art on show on their walls. Drawing on research into the geographies of the creative economy, we suggest that such neighbourhoods exhibit the presence of a ‘street art milieu’ that can play an important role in local quality of life and even economic development.

Several academics have talked about the importance of developing a creative milieu in order to attract and embed the key components of the creative industries and the creative classes that drive them.\(^57\) It is useful to turn to this notion of a creative milieu as a way of understanding how graffiti and street art might contribute to attempts to produce a creative city. Peter Hall notes that the notion of a creative milieu provides a way to spatialise discussion about the presence of creativity in the city. The idea of a creative milieu seeks to take the

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geography of artistic practice into account.58 In a very concrete way, graffiti and street art 'places' the creative economy.

In Sydney, the strategic aims of the City to support creativity, public art and an inclusive public realm combine with the recent efforts to recognise the wider contribution of graffiti and street art to urban character in particular locations. We can draw on the notion of creative milieu here to recognise the City’s efforts as an attempt to support a street art milieu.

We can recognise two ways of valuing the street art milieu being fostered in the City of Sydney LGA. The first is economic, as the presence of graffiti contributes to the urban economic base in different ways. The presence of graffiti is normatively framed as contributing to the decline of neighbourhoods. Yet, there is evidence that graffiti, particularly in its guise as street art, is being co-opted in the gentrification process,59 as evidence of the creative atmosphere or ambiance of a particular locale. Beyond this indirect valuing of graffiti, graffiti writers are also shifting their practice from the wall to the gallery space, where graffiti forms are intersecting with other visual arts practice and being bought and sold through galleries, some of which are specialising in graffiti and street art as contemporary visual arts practice (see Figure 12). Graffiti has also been transferred from the wall to other more readily commercialised media, such as on t-shirts and skateboards (see Figure 13). Finally, photographs of graffiti play an important role both as a mobile cultural medium that serves to mobilise graffiti through global networks, and as a way that graffiti in place is relocated as a commercial good in trade magazines and expensive ‘coffee-table’ art publications.

The second way of valuing the street art milieu is cultural as the presence of graffiti may contribute to feelings of inclusion or exclusion in the spaces of the city. Contrary to the discourse of fear and degradation that is typically associated with its presence, graffiti, both in its hip hop forms and as street art, is being mobilised in particular contexts as a way of regenerating problematic or disused public spaces, and as a way of activating existing or planned spaces.

58 Hall, "Creative Cities and Economic Development."
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As we shall see in the next section, the creation of ‘street art milieu’ is not only a function of property owners and residents entering into permission arrangements – it is also partly the product of active interventions by urban authorities who are increasingly sponsoring graffiti and street art installations as part of their place-making activities.
B4. Commissioned works and events: graffiti and street art as tools for urban activation, place-making and the ‘creative economy’

While street art milieu are emerging through the initiative of artists and property owners, in many cities urban authorities are also actively encouraging the production of high quality graffiti and street art through direct commissioning of works and the production of showcase events. For instance, in the City of Sydney, the Streetware program has now run on four occasions since 2010. In this program, the City has invited and funded artists to install work on a range of pre-approved spaces, which have included laneways and other more prominent buildings (see discussion of Streetware in Section C3.1). In this section, we discuss such initiatives and their contribution to broader strategic planning agendas, in particular the activation of public space and the generation of creative economies.

B4.1 The role of urban authorities in ‘curating’ high quality graffiti and street art

Curated spaces, like permission walls, provide opportunities to showcase the highest quality graffiti and street art styles and practitioners. They can also be venues for work by international writers and artists visiting Sydney, in trips that are increasingly common among the mobile and networked graffiti and street art communities. For graffiti writers and artists, this is highly significant for the on-going development of their culture and the recognition of their skills.

A further significance of these curated outdoor galleries lies in the way that communities and authorities alike are mobilising graffiti and street art as a means to enliven and activate spaces. Responding to calls for urban designers and planners to expand their repertoire of interventions and focus more attention on the small spaces ‘in-between’ and the ‘fine grain’ of the city,60 we have seen urban authorities in a range of cities either capitalising on, or actively commissioning, curated graffiti and street art to add colour, activity and curiosity to places. Famously, street art has been an important element of the revitalisation of public space in inner city Melbourne (see Box 7).

As well as activating spaces, the curation of graffiti and street art can provide important career development opportunities for graffiti writers and street artists seeking to turn their talent into a livelihood. Participation in curated spaces and events builds profiles and portfolios, and can lead to direct and/or indirect financial rewards.61

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61 McAuliffe and Iveson, “Art and Crime (and Other Things Besides...): Conceptualising Graffiti in the City.”; McAuliffe, C., 2012, op.cit.
Box 7: Melbourne laneways and street art

The City of Melbourne has become internationally known for its colourful laneway graffiti and street art, most of which are not formally planned but rather take the form of ‘tolerated spaces’ and ‘permission walls’. According to Rob Adams, Director of City Design at the City of Melbourne, this street art has made an important contribution to the revitalisation of public space in the CBD and inner city. He argues that this has involved a shift in attitudes from defining graffiti as a problem to defining it as a potential form of engagement with the city:

“If people feel engaged with their city, and feel that they can actually influence it and change it, then I think they will have a certain amount of respect for it and become participants in the game. It’s when they feel disenfranchised from it, that they start to beat the hell out of it, because it’s not theirs, they don’t own it.

“Some people say we’ve got a graffiti problem. Other people will say we are actually the best city in Australia, in terms of street art. And now it has become part of the culture of Melbourne. Yes, you do get the tagging, and it is annoying. But there are other areas of the city where you actually get tourists going to see the street art. So, there’s that fine line, you know, from trying to keep people away from being involved in the city, to saying actually no, any involvement’s good. If you got up in the morning, saying you had to be the blocker of behavioural characteristics in the city, you’d be the most frustrated, unsuccessful person in the city. Your challenge is, how do we actually accommodate this, how do we make this into a positive rather than a negative. We’ve lost the art of designing the public space of the city. And if you get the public space right in the city, you get liveability.”

B4.2 Graffiti and street art and the creative economy

Beyond the social and cultural values attributable to graffiti and street art, artistic works in the public sphere can also directly and indirectly contribute to the economy. The importance of creativity, culture and innovation to the economy has increasingly been recognised under the banner of the ‘creative economy’. Graffiti writers and street artists have not generally been included in the lists of art workers that make up the creative sector in attempts to value the contribution of the arts to the creative economy. Whilst visual artists are considered as arts workers (their product enters a market), most graffiti writers and street artists do not produce an easily commodifiable product. The material form of graffiti on walls is not easily transferred between individuals or groups as a good (although, there have been cases where the wall itself has been removed for sale in the market place!). Yet, graffiti does enter the market, through the reproduction of glossy photographs in trade magazines or in the profusion of graffiti and street art coffee-table books. There is also an industry sideline in the production of bespoke t-shirts and skateboards emblazoned with graffiti-style images (see Figure 15).

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Graffiti and street art has had an uneven relationship with the formal institutions of contemporary art, both here in Australia and elsewhere. Early success in taking the art from the street to the gallery, with the success of artists like Keith Haring and Jean Michel Basquiat, did not lead directly to the embrace of graffiti and street art by the arts establishment, with claims proliferating that graffiti and street art was mere simulation typified by endless copying of styles and a lack of artistic development. These earlier evaluations of graffiti and street art as a static practice have now made way for a general recognition of the artistic merit and innovative developmental pathways of graffiti and street art. Major arts institutions have now embraced street art, and, to a lesser extent, graffiti as contemporary arts practice. In Australia, the Space Invaders exhibition in 2010 in the National Gallery in Canberra drew on a collection of street art that has been growing since it first started collecting street art works in 2000. In the US, the Museum of Contemporary Art exhibition, Art in the Streets, in Los Angeles in 2011 was the first major retrospective of US graffiti and street art. Finally, it is worth mentioning the exhibition of artwork by Banksy in his supposed hometown of Bristol in the UK in 2009. The exhibition, titled Banksy versus Bristol Museum, at the Bristol City Museum and Art Gallery was the most successful exhibition ever for the venue, with 300,000 people visiting the exhibition over its 3 month tenure, and bringing a purported GBP10 million into the local economy. Beyond these signature events that signal the recognition of graffiti and street art by the formal arts institutions, artists and writers in Sydney have formed the leading edge in the reinvigoration of the low-brow art movement, which has its roots

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in pop surrealism of the 1970s. Where this will lead in terms of the economic valuations of graffiti and street art remains unclear at this point. However, the economic is increasingly present in discussions of the changing valuations of graffiti and street art, and in some ways precedes and underpins discussions of the social and cultural values that make a particular piece of graffiti or street art significant.

B4.3 Graffiti, street art and the City of Sydney’s strategic planning framework

The place-making and economic dimensions of graffiti practice described here relate directly to visions sets out in the City of Sydney’s guiding strategic policy document, Sustainable Sydney 2030. This document identifies the need, “To develop a cultural and creative city” as the 7th of its 10 core Strategic Directions. While diverse forms and locations of graffiti and street art have a range of impacts across the LGA, at the very least, it can be argued that many instances of graffiti and street art in the LGA contribute directly to this strategic aim. The City Art Public Art Strategy provides more detail into the way this core strategic direction will play out over the course of the next 15 years, pointing to the need to:

- Support local artists and activate city sites with temporary art projects;
- Support vibrant places in village centres with community art and City Art projects; and,
- Support stakeholder and government partners to facilitate public art opportunities.67

At present these strategic documents fail to directly recognise the existing or potential contribution of graffiti and street art to the creative and cultural fabric of the City. Yet as we have noted, graffiti and street art form an important contribution to the ephemeral art of Sydney, and serve to activate and enliven spaces, and contribute to the particular character of the different villages in the LGA. Further, certain graffiti writers and street artists have taken up key roles as subcultural entrepreneurs, facilitating sanctioned forms of graffiti and street art and contributing direction to the grassroots growth of creative industries.68

Another key strategic document that will help guide the City’s approach to graffiti and street art is the City of Sydney Draft Cultural Policy and Action Plan, 2014-2024. The draft version of this policy includes a strategic focus on 10 foundation principles, which include recognition that creativity defines and reflects our culture and community; that creative risk is a pre-condition of innovation and industry growth; and, that artists are essential to a diverse, dynamic and tolerant city.69 The draft Cultural Policy and Action Plan seeks to evoke precinct distinctiveness and creativity in the public realm and to foster new avenues for creative participation. These key priorities are in part to be realised through activities and strategies that, “strengthen and encourage creativity in the public domain and non traditional venues and spaces”, and, “deliver new opportunities for individual creative expression”.70

These strategic aims of the City intersect with the potential contribution of graffiti and street art to city life. It has become clear from our survey and analysis that there are important instances of graffiti and street art in the City of Sydney LGA that directly contribute to one or more of the City’s strategic directions. It is important that these strategic aims, along with others such as those that underpin youth services, and the planning,

67 City Art Public Art Strategy, p.7.
68 McAuliffe, “Graffiti or Street Art? Negotiating the Moral Geographies of the Creative City.”
70 City of Sydney, ibid, 2014, pp.24-28.
development and maintenance of the public realm, are considered as the City shapes its policy responses to graffiti and street art.
B5. Understanding the spatial networks of graffiti practice

The different spaces of graffiti practice we have described in the preceding sub-sections – from legal walls to left-over spaces, permission walls, halls of fame and commissioned works – all form a network of sites of graffiti practice in urban areas. Conceptualising sites of graffiti practice as a network helps us to think about the relative mobility of different users and to see how different sites might relate to each other. It also allows us to think about ways of managing sites beyond removal and criminalisation.

B5.1 Releasing the pressure on sites of graffiti practice: a networked approach

Currently contestations over graffiti and street art mostly focus on the site or the artwork in isolation. Limiting the discussion to the one site can cause undue pressure between those who support the presence of some form of art and those who do not support graffiti and street art in any form. In these cases there is a risk of ongoing antagonism between the different stakeholders – between residents who sit on either side of this spectrum, and between residents and writers/artists. We would suggest that there needs to be a way to release the pressure between the two extremes of the ‘art versus crime’ debate in order that the antagonism can become a more productive agonistic engagement (see C6.2 and Box 17, below).

One way of releasing the pressure of particular sites is to see the site as just one node in a network of sites in the LGA. This networked view of graffiti and street art in the LGA (and beyond to other LGAs in the metro area, etc) helps us to understand the networks of sites used by writers and artists and the mobility that suffuses their graffiti practice, and to see within the City the emergence of character areas that foster the development of a street art milieu (see Section B3.4 and Box 11).

As sites change over time the graffiti practices may deteriorate as different users colonise the site. Or perhaps a wall becomes more successful, leading to tensions between artists, or to the attraction of younger writers who find it hard to break into the space. Local communities can be very sensitive to the changes that might take place on particular walls. Taking a network perspective allows the site to be linked in with other sites in the LGA and beyond, as well as other government owned or private spaces that may be linked into this network of relations. Management of sites under contention may benefit from releasing pressure by attempting to shift different users to other sites that are more appropriate for these users, or are currently under utilised. In this way, for example, the network of legal walls managed by youth or neighbourhood centres can play a key role in helping to manage other approved permission sites that may be under pressure from particular users by shifting graffiti practices (see Boxes 5 and 8).

Box 8: Relieving the pressure on May Lane Street Art Gallery in Marrickville

May Lane in St Peters in the Marrickville LGA is a good example of the development of a curated graffiti and street art space initiated by the local community (see Section B3, above). From its beginnings in 2003, initiated by local business owner, Tugi Balog, the site expanded to include other property owners in what could be called a model for a ‘graffiti commons’ – “a street canvas available for use by anyone who wishes to participate”.

The May Lane Street Art Gallery took a more substantial form when Tugi Balog began placing removable panels in the window and roller-door spaces of his business and began inviting local and international artists to use this part of the ‘outdoor gallery’. These works were collected and formed the basis of several retrospective exhibitions of the street art of May Lane, culminating in a federally-funded tour of the artworks between 2010 and 2012 in conjunction with Bathurst Regional Art Gallery, to galleries in NSW, Queensland, ACT and South Australia.

Curation of the this outdoor gallery required considerable effort on the part of Tugi Balog, as he negotiated with local residents, business-owners and Marrickville Council, along with the graffiti writers and street artists invited to use the space. In 2012 the official curated program in May Lane came to an end. This has seen some changes in the types of graffiti occurring in the former Street Art Gallery spaces, with growing concern among residents that tagging and ‘low quality’ graffiti was encroaching on the spaces and that the overall quality of the artworks had declined.

In some ways, May Lane The Street Art Gallery has become a victim of its own success as the proliferation of zero tolerance attitudes and intensification of criminalisation of graffiti by the State government pushed younger, less experienced writers to find legal spaces like May Lane. One way of relieving the pressure currently being experienced in this location is to think about the way this site is linked to others and attempt to redirect some of the less experienced artists to more appropriate locations.

Marrickville Council is currently investigating developing alternative legal walls for less experienced writers/artists as a part of a proposed new direction for May Lane. The two components of the proposed protocol for the graffiti and street art in May Lane are:

- Decrease the focus on the May Lane area by graffiti artists and taggers through creating alternative sites for practice more conducive to aerosol art; and,
- Provide a new program for May Lane based on a biannual program showcasing established artists.

The shift from the grassroots curation to the oversight of council will result in some changes to the way the May Lane Street Art Gallery will operate. But by taking a networked approach to graffiti and street art sites in and beyond the LGA, the council can potentially leverage the good work already done here to ensure the

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73 Iveson 2012, ibid, p212

74 This is being considered in conjunction with the nearby Camdenville Park Masterplan: http://yoursaymarrickville.com.au/camdenville-park-may-lane-precinct-proposals.
Legal walls play an important role in these networks of graffiti and street art sites. As we noted in Box 5, in the absence of legal sites, younger and less experienced graffiti practitioners who do not have the skill or confidence to broker permission walls are limited to unauthorised locations. These unauthorised locations include the left-over spaces of the city along with those spaces where graffiti and street art is not desired, like private residential property or public assets.

The value of permission walls and commissioned artworks to their local communities can be disrupted by younger or less experienced writers and artists encroaching on sites. Permission walls that have attracted lower quality graffiti and street art, such as unwanted tags, may become contested by neighbourhood residents. In these cases, having a legal wall in the area may provide an alternate site towards which these contested practices can be directed helping to maintain the significance of approved permission and commission sites (see Box 8).

Having access to legal spaces will not guarantee permission walls and commissioned artworks will not be defaced, as these types of contestations are a relatively common element of graffiti practice. But having legal walls available will allow those writers and artists who are interested in doing legal work, or need spaces where they can develop their skills, to practice and hone their skill in relative safety and without impacting existing graffiti and street art sites, or other clean walls. For the City, adding legal walls into the network of sites of graffiti practice may help to shift particular users and particular practices to more appropriate locations.
B6. Rethinking the value and significance of graffiti and street art

While the repressive approach to graffiti and street relies on negative evaluations of their impact on the urban environment, a range of other policy responses discussed in this section are informed by a positive valuation of some forms and locations of graffiti and street art. The policy responses we have discussed are not simply alternative methods to achieve the eradication and/or reduction of graffiti and street art. Rather, they are premised on the recognition that different forms of graffiti and street art have a range of positive values, and can make important contributions to urban quality of life and liveability. Those positive values attributed to some forms and locations of graffiti and street art that we have identified include:

- their contribution to youth engagement, including their diversionary potential for 'at-risk' young people;
- their contribution to community development;
- their usefulness as tools in the activation of public spaces and place-making;
- their contribution to the development of creative economies;
- their significance as forms of public expression.

With regards to the overall policy position of the City, the existence of both positive and negative valuations of graffiti and street art supports the pursuit of a complex range of approaches to graffiti management, from removal through to more supportive policy initiatives that recognise the significance of graffiti and street art. Better management of graffiti and street art should be informed by an appreciation of the full range of values, both positive and negative, attributed to graffiti and street art by a full range of stakeholders.

We have also noted that the different policy responses to graffiti and street art described above intersect with several key responsibilities and portfolios of local governments such as community development, planning and urban design, cultural development, and local economic development. So, while the NSW State Government has tended to 'talk tough' and focus on repression and criminalisation, local governments such as the City of Sydney have sought to find a balance between repression and its alternatives.75

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75 Cameron McAuliffe, "Graffiti or Street Art? Negotiating the Moral Geographies of the Creative City," Journal of Urban Affairs 34, no. 2 (2012), p. 198
The most significant implication of the analysis presented in Sections A and B of this report is that the nature of the ‘graffiti problem’ to be ‘solved’ by the City of Sydney is not simply a problem of how best to reduce and/or eradicate graffiti. Rather, we have established that:

• there are many different forms and locations of graffiti and street art in the City of Sydney, some of which have a long history;
• these forms of graffiti and street art interact with other forms of art and public address in the urban public realm, access to which is crucial for a vibrant and democratic city;
• from a policy perspective, the dominant policy response to graffiti and street art has been repressive attempts at eradication and/or reduction;
• this policy response fails to recognise both the diversity of graffiti and street art practices and the diversity of public opinions about their merits;
• the cost burden of this largely State-driven approach tends to fall on local government;
• a range of alternative policy responses to graffiti and street art exist alongside the repressive approach;
• these alternative approaches contribute to other policy priorities of the City of Sydney, especially with respect to the importance of creative practices for place-making.

This shifts the discussion of the ‘graffiti and street art problem’ from one of ‘how to reduce and/or eradicate graffiti and street art’ to a more complex set of policy problems relating to the placement of graffiti and street art in the City designed to achieve a range of desired outcomes. In this section, we therefore build on this approach by identifying a series of quite distinct policy problems that have emerged from our research. These problems have been identified through interviews and consultation with a range of key stakeholders. The problem for the City is not simply ‘how can we eradicate and/or reduce illegal graffiti and street art?’ Rather, the key problems currently faced by the City of Sydney are:

1. what kinds of graffiti and street art should the City remove?
2. what kinds of graffiti and street art should the City actively encourage?
3. what is the appropriate balance between ‘making things happen’ and ‘letting things happen’?
4. what kinds of graffiti and street art should the City protect?
5. how should the City respond to disagreement about pieces of graffiti and street art?

In answer to these questions, this section sets out a range of roles that the City of Sydney should play in relation to graffiti and street art within the LGA, drawing on research into existing practice in the city and best practice from elsewhere to make recommendations about how these roles should be approached.
C1. Removing unwanted graffiti and street art: enforcing the law and making informed judgements

On the face of it, the question ‘what graffiti and street art should the City remove?’ has a simple answer. There are laws and planning regulations that determine which pieces of graffiti and street art are legal, and which are illegal. These laws and regulations are enforced by the City’s contracted graffiti removalists, who are required to remove illegal graffiti within timeframes specified in their contract with the City.

However, this question is far more complex than it might at first appear. This is particularly so because the broader policy context means that the removal of graffiti and street art is only one of several roles that the City will play in relation to graffiti practice in the city. It is crucial that removal efforts are informed by, and coordinated with, these broader policy objectives.

In this section, we begin by examining the current removal arrangements, and note that while they are ostensibly about the objective application of the law, in fact current practice does involve the exercise of informed but subjective judgement by key individuals. We argue that this is in fact appropriate, but note that at present, judgement is exercised in a bit of a policy vacuum, in that it depends on the skills and interests of individual City staff. In the rest of this section, we set out a range of principles that ought to inform the exercise of informed judgement in the future.

This section also introduces some key tools for policy that will re-appear in subsequent sections of the report – in particular a proposed City of Sydney Graffiti and Street Art Register and the notion of ‘character areas’ within the LGA.

C1.1 Existing Graffiti Removal Arrangements

At present, the City purchases graffiti removal services from contracted private removal companies. Under the Graffiti Control Act 2008 (see Box 3), the City and its contractors are authorised to remove illegal graffiti and street art from any kind of property if it is accessible from a public space without the property owner’s consent. This is done at the City’s cost. If a piece of graffiti is inside a private property but within three metres of a public space, and less than three metres high, the City’s contractors will approach the property owner for permission before removing the graffiti. This ‘3 x 3’ guideline is not determined by the legislation, but has been formulated as an internal policy by the City in order to set clear limits for contracted graffiti removal. These contractors are also responsible for the removal of illegal paid advertisements – an issue that is currently a far bigger problem for the City than graffiti.76

The City is both proactive and reactive in identifying graffiti and street art to be removed by the contractors. Proactively, the public spaces of the City are actively patrolled for new graffiti and street art by:

- the contractors, who are required to patrol identified ‘hot spots’ every 24 hours, other priority areas three times a week, and other areas once a week;

76 Interview with Project Coordinator, Cleaning and Waste, City of Sydney.
• staff of Neighbourhood Service Centre in certain areas;
• the City’s Rangers.

Reactively, the City responds to notifications of graffiti and street art received in the following ways:
• reports to the City’s Neighbourhood Service Centres;
• reports to the City’s online notification system;
• calls to the City’s Call Centre;
• calls to the State Government’s graffiti hotline, which are passed on to the City where the report concerns graffiti within the LGA.

Via these different channels, if a piece of graffiti or street art does not have planning approval, it will be removed – in theory. In practice, things are a little more complicated.

C1.2 Complicating factors: permission, significance and quality, and location

There is a range of circumstances in which an un-approved piece of graffiti or street art might not be immediately (or ever) removed. A series of factors require key stakeholders in the removal process to use their judgment, which is guided but not necessarily determined by the letter of the law and planning regulations. Why might an illegal piece of graffiti or street art be allowed to escape the removalists’ paint brush?

First, sometimes illegal works are done with permission of the owner. In some cases, where they are accessible from public space, these works are simply removed by contracted removal teams, often to the frustration of property owners and/or artists involved (see Box 9). In other cases, removal is not immediate. Depending on how the piece has come to the attention of the removal team, either a member of the team or an officer of the Council (such as Contract Manager, Public Art Manager, or a Neighbourhood Service Centre Manager) judges the work to be of high enough ‘quality’ to be spared from immediate removal. On some such occasions, property owners have been assisted through a process of ‘retrospective approval’ (see Box 10).

Box 9: Unwanted Graffiti Removal

Consider the following two examples of unwanted graffiti removal, where the actions of the City had legal authority but not the permission of the property owner. At a residential property at the end of a terrace row facing a pedestrian laneway close to MacDonaldtown station, for several years a property owner had been happy to let local young people paint graffiti on his wall. The graffiti changed frequently, was variable in quality, and occasionally offensive. One day, the owner came home to find the graffiti on the wall had been completely painted over by the City’s graffiti removal contractors, without notification. The intervention of the removal team broke down the informal local arrangement that had existed between the property owner and local writers. The owner wrote a small note of apology on his wall, reiterating that the decision to ‘buff’ their work was not his to make (See Figure 14).
Section C: Rethinking the City’s Approach to Graffiti and Street Art

At a residential property in Glebe, a property owner made contact with two local Aboriginal young people through the local Youth Service, and commissioned them to paint a piece on the lane-facing wall of her rear studio. The wall in question had attracted tags, and she preferred to deal with this by having a piece of art on the wall. The young people she contacted were not high profile artists but locals, and the owner paid for the paint they used. She was happy with their work. Shortly after, she returned home one day to find that the wall had been painted over by the City’s graffiti removal contractors, and a letter left for her explaining that the painting on her wall did not have approval and so had been removed.

In neither case was the City notified of the works by the property owner or artists. And in neither case did the removal teams judge the work to be of enough significance for removal to be stopped pending discussion with the property owners. But in both cases, the work painted over had clear significance – in the case of Macdonaldtown, to the local young people who had come to use this wall as an informal ‘legal wall’, and in the Glebe case, to both the property owner and the artists who had made the arrangement.

Importantly, in neither case did the property owner lodge any kind of complaint with the City. It may well be that the City receives few complaints about ‘unwanted graffiti removal’ in comparison to requests for graffiti removal – but this does not mean that such complaints do not exist.

Two issues emerge from these cases for consideration. First, while it may appear that the graffiti removal teams were simply enforcing the law and planning regulations, we have seen that this enforcement is in fact selective and involves judgments of significance. This is an unavoidable consequence of the City’s graffiti management strategy which engages a contractor to patrol public space for graffiti and street art. How should such judgments be exercised? Second, in neither case were the property owners provided with any information about how to seek approval for the kind of art they wanted on their property – had such information been easily available, it may have resulted in a different outcome.
Section C: Rethinking the City’s Approach to Graffiti and Street Art

Box 10: Judgment of significance and local relationships lead to Council assistance rather than removal

A property owner in Chippendale commissioned artists to paint a large graffiti-style production on the wall of her house at the end of a terrace row. The work was identified by City Rangers as being unapproved, and Rangers approached the property owners to inform them that the piece would be removed.

In this instance, the property owners had previously established a relationship with the manager of their local Neighbourhood Service Centre. They approached the manager, who agreed with the owners that the piece was of a high enough quality to be worth keeping. The manager ‘walked the owner through’ the DA process to secure planning approval for the work, including facilitating a site visit by one of the planning assessment team. The NSC manager later reflected that:

*It’s a beautiful mural and it’s got to stay and it’s registered now, it’s DA approved. But she did all that after the fact and we shouldn’t have punished her like that really, you know, threatening to remove it because it wasn’t approved.*

This case is significant for several reasons. First, when the property owners commissioned the piece, they were unaware of the requirement to secure planning approval. Second, perhaps because of its quality, the piece was not automatically removed by the City’s removal contractors in response to it coming to the Rangers’ attention. Third, the Neighbourhood Service Centre manager played a key role in assisting the property owner to navigate a complex approval process retrospectively, in distinction to the examples from MacDonaldtown and Glebe above. Fourth, this assistance was labour-intensive, because of the complexity of the existing approval process.

Second, sometimes works that do not have either planning approval or the owner’s permission might have some form of *artistic and/or cultural significance* that stops their immediate removal. How is such significance determined? Here again, in the absence of a formal process for determination, we have observed the existence of an informal decision making structure which relies on the judgment of a number of key individuals, who may or may not have the skills and knowledge to determine such significance.

For instance, under the graffiti removal contract, the graffiti removal teams will consult with Council Officers before removing new works that they think might be significant or ‘worth keeping’. Such consultation typically occurs with the Contract Manager and/or the Public Art Manager. While the individuals currently holding these positions are very experienced and knowledgeable and able to make informed judgments, the process depends on their individual experience and knowledge to operate. No structures or frameworks are in place to guide their exercise of judgment concerning significance and to ensure the sustainability of this practice.

Further, in order for the fate of an unapproved and/or illegal work to reach the desk of these experienced individuals, the initial judgment of the removal teams is definitive. If they decide to remove something, it is gone. While the removal crews do receive some training, the criteria they apply is not necessarily informed by a sophisticated appreciation of the different values that might contribute to significance and how these values might determine that a site has a ‘quality’ piece of graffiti or street art. For instance, high-quality stencil or sticker art may often be quite small-scale, yet such small-scale works would not ‘make the cut’ according to the criteria currently in use by removal teams. Infamously, graffiti removal contractors engaged by the City of Melbourne painted over a small stencil by world famous street artist Banksy, in a mistake that
captured national and international media attention. This size of this stencil certainly did not determine its significance.

There is no way of knowing how many works by significant artists – large and small – have been unknowingly removed by property owners or the City’s contracted graffiti removalists. Of course, such ephemerality is in the very nature of art on the street (see A1.3). Indeed, Banksy told The Age that:

Graffiti isn’t meant to last forever. I’d prefer someone draw a moustache and glasses on one of my pieces that encase it in Perspex.\(^77\)

Nevertheless, it is clear that the survival of works of graffiti and street art is influenced strongly by the personal judgments of key individuals, not just by a neutral application of law.

Finally, we also note that there is currently an implicit appreciation within both the removal teams and key decision-makers in the City that graffiti and street art tend to be more ‘acceptable’ and even appreciated in some neighbourhoods within the LGA. In other words, there is a locational dimension to determinations about whether or not pieces of graffiti and street art should be immediately removed. One way this locational dimension plays out is in the designation of priority areas for removal of graffiti and posters in the LGA. We see the City as playing a key role in the establishment of a street art milieu, focused in particular neighbourhoods in the LGA, where graffiti and street art are recognised as contributing to the distinct character of an area. We have designated four such character areas in the LGA, based in part on the idea of a street art milieu discussed above (see Section B3.4), but also derived from the City’s existing policy position on signage precincts, which we discuss below (see Section C4.4.3), and the City’s strategic desire for cultural precincts as detailed in the Draft Cultural Policy and Action Plan, 2014-2024.\(^78\) These character areas, located in Glebe, Chippendale, Newtown and Surry Hills, correspond to areas where there is not only a high density of graffiti and street art in the LGA, but where there is a high presence of what we consider to be significant and ‘high quality’ artworks and sites of graffiti and street art (see Figure 15). The designation here of character areas derived from the presence of street art and graffiti may aid in the conceptualisation and further development of creative precincts as outlined in the draft cultural policy for the City.

### Box 11: Character areas

As can be seen in Figure 15, graffiti and street art is not evenly spread throughout the LGA. This mirrors the wider metropolitan landscape in Sydney.\(^79\) This diverse local geography of graffiti and street art indicates that the street art milieu developing in the City of Sydney is uneven and ‘settles’ in particular local areas. This supports a critical view of a street art milieu as not being a universal miasma that settles over the city, but instead a 3-dimensional topographic overlay that is uneven and dynamic.

The nature of this unevenness is influenced at three key scales:

- **At the LGA level**: The City of Sydney has shifted towards a more accepting position on certain forms of graffiti. This contrast other LGAs where the State government’s zero tolerance policy is dominant;

\(^77\) The Age, May 29 2010, p. 1

\(^78\) City of Sydney, "Creative City: Draft Cultural Policy and Action Plan 2014-2024."

\(^79\) McAuliffe, "Legal Walls and Professional Paths: The Mobilities of Graffiti Writers in Sydney."
• **At the neighbourhood level:** As can be seen from the survey (see Figure 15), different local areas in the LGA have different concentrations of graffiti and street art, responding in part to the acceptance of these forms by the local communities;

• **At the wall:** The micropolitics of place operate at the scale of the individual site – the wall – where different stakeholders compete to see their vision of/for the city come to fruition.

Here we want to point to the neighbourhood level of variation to suggest that we can treat particular neighbourhoods differently. We propose that there are graffiti and street art character areas, where graffiti and street art are more widely recognised by residents as contributing to the distinctive nature or identity of the local community (Figure 16).

As we have noted, removal of graffiti and street art that is deemed undesirable will remain the primary role in graffiti management in the LGA. But having more efficacious processes in place that incorporate a broader set of values attributable to graffiti and street art will aid the City in its attempts to foster a liveable city, as well as bring clarity to existing graffiti removal processes. In terms of graffiti management practices, it would be expected that works that appear in a character area will be given greater weight in the ongoing community negotiations over the presence of the artwork.

**C1.3 Exercising informed judgment about the removal of unapproved graffiti and street art**

We think it is inevitable – and indeed important – that the removal of graffiti and street art will be influenced by judgments about significance that operate alongside the 'letter of the law'. The challenge is not to remove this judgment from the graffiti removal process, but to ensure that judgment is exercised in an informed and democratic manner.

This is not solely or necessarily a matter of identifying an individual within the City who is an 'expert' on what constitutes high quality graffiti and street art. In Bristol (UK), in certain cases, the decision-making process has been democratised, through the posting and pictures of unapproved graffiti or street art with comments invited from the community before a final decision is made (see Box 12).
Figure 15: Heat map of the survey of graffiti and street art in the City of Sydney LGA conducted for this research. This map shows the relative intensity of the presence of graffiti and street art in the LGA.
Figure 16: Designated graffiti and street art character areas in the City of Sydney LGA derived from the survey of graffiti and street art in the LGA conducted as a part of this research.\textsuperscript{80}

\textbf{Box 12: Removing (and not removing) graffiti and street art in Bristol}

\textsuperscript{80} Note that while this map portrays character areas with fixed boundaries, in practice these boundaries are likely to be more fluid or ‘fuzzy’ – a situation that does pose an interesting challenge for spatial management by the City.
The Bristol City Council Graffiti Policy 2010 shows evidence of an approach that appreciates graffiti and street art as culturally significant. It opens with the following:

* Bristol City Council is committed to keeping the local environment safe, clean and green whilst also allowing local artistic cultures to grow and develop in line with the Council’s public art strategy. The Council is committed to reducing and removing undesirable graffiti and to giving local communities a voice over what is or is not acceptable in their neighbourhood. In recent years some forms of graffiti have featured in popular culture and it is now recognised that street art can make a positive contribution to the urban environment. In appropriate cases the Council enables street art in its area.\(^8^1\)

According to Bristol’s policy, private property owners usually call the shots regarding graffiti on their property. In most cases, unless property owners request the council to remove graffiti from their property (possibly at a fee), or make their own arrangements for removal, it will remain. The only instance in which it will be removed against the owner’s wishes is if the work is offensive or detrimental to the amenity of the area. In this case, a Graffiti Removal Notice is issued to the property owner, requiring them to arrange for removal, either through the Council or otherwise. If works are deemed to make a positive contribution to the local environment and the property owner has raised no objection, the Council usually decides not to exercise its enforcement powers.

In terms of public property, the policy states that ‘there is no obligation on the council to consult in connection with the exercise of its graffiti removal powers and in most cases it will not be in the public interest for it do so’ (p. 5). However, the City acknowledges that in some cases graffiti, and ‘especially’ street art, may provoke varied responses and that in such instances the council may consult with local residents and businesses to determine whether or not they should be removed.

As part of its formal street-art policy “to seek to define and support the display of public art”, the City states that “where people tell us that murals or artworks make a positive contribution to the local environment, and where the property owner has raised no objection” the graffiti will not be removed. On some occasions, in order to determine public opinion on a given piece, photographs are on the council’s website and the public asked to voice their opinions.\(^8^2\) In these ways the values of a range of stakeholders are included in the decision concerning the significance of particular pieces of graffiti or street art.

### C1.4 Recommendations about the removal of graffiti and street art in the City of Sydney

At the very least, the discussion and cases above suggest that the following issues need to be addressed:

- what kind of training is provided to graffiti removal crews responsible for inspecting public spaces across the city to identify ‘quality’ or ‘significant’ graffiti and street art that should not be automatically removed, even if it does not have formal approval?

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\(^8^1\) Bristol City Council Graffiti Policy, 2010, p. 1.

\(^8^2\) “Bristol public given right to decide whether graffiti is art or eyesore”, The Guardian, September 1 2009.
Section C: Rethinking the City’s Approach to Graffiti and Street Art

• which positions in the City ought to be responsible for making a decision on such pieces, and is this responsibility built into their position description?
• what criteria and process will staff in those positions use to inform their judgments about significance and how are these criteria and processes made accountable to diverse community views about quality and location?
• while the City has the legal authority to remove graffiti from private properties accessible from public space, should such power be exercised without first notifying property owners?
• if property owners are notified before removal, what options will be provided to property owners if they wish to keep the graffiti or street art on their property and/or if unapproved work on their property is judged to be of high significance?

In response to such questions, we suggest that the graffiti removal process be reformed in the following manner.

We assume that the City will continue to contract-out graffiti removal services for the foreseeable future. If this is so, based on the conceptual framework developed in this report, we think that the focus of the City’s efforts and resources should be on removing unwanted (rather than simply illegal) graffiti and street art. Making informed assessments about what graffiti and street art works add value to a locality is not only a matter of enforcing the law, it is also a matter of ensuring that the discretion that can be exercised within the existing legal framework aligns with the City’s broader strategic priorities around Culture, Public Art, Community Development, and Community Engagement discussed above.

Recommendation 1.

If the City continues to use its powers under the Graffiti Control Act 2008 to remove graffiti and street art from private property through the contracting of graffiti removal services, it should focus on removing unwanted graffiti and street art. In determining what is ‘wanted’ and ‘unwanted’, the City should be informed by its strategic priorities, and should give communities and property occupants a voice in defining what is wanted and unwanted in their neighbourhoods.

This process of determining ‘unwanted’ and ‘wanted’ graffiti and street art is elaborated upon in Recommendations 2-8 below.

The first obvious requirement in ensuring that wanted graffiti and street art is not removed is an up-to-date register of sanctioned graffiti and street art sites and works. We therefore recommend that the City establish a City of Sydney Graffiti and Street Art Register that can be utilised by Graffiti Removal contractors. The City of Sydney Graffiti and Street Art Register needs to be a living document of the sites and works that are recognised by the City of Sydney at any one time. It is both a register of currently approved sites and a record of the current status of the artworks present at each site. As a live digital document it is a repository of images and status updates that will be used to guide the activities of removal contractors and as an evidence base for use in determinations of significance and in the resolution of disagreements (see Section C6, below).

We will elaborate further on how works can come to be included in the Register in subsequent sections of this report. For now, we note that a key condition for inclusion in the City of Sydney Graffiti and Street Art Register, whether as a piece of graffiti or street art or a site of graffiti or street art, is that it only includes graffiti and street art. Graffiti and street art are distinct from both other forms of public art and advertising. If the works
or site on the register changes so that the works can no longer be considered graffiti or street art as defined by the City then they should be removed from the register. Once removed from the register, works at these sites will be subject to policies and processes governing unauthorised graffiti and street art, public art or advertising as the specifics of each case requires.

Inclusion in the City of Sydney Graffiti and Street Art Register has implications for removal. In cases where a piece of graffiti or street art is included on the Register, the graffiti contractors should monitor, but not remove graffiti and street art.

**Recommendation 2.**
The City’s roles in removing, commissioning and enabling different forms of graffiti and street art should be underpinned by a ‘mapping’ of sites through the construction of a new City of Sydney Graffiti and Street Art Register. This should include all sanctioned works in the LGA, including those with formal Development Approval, as well as ‘permission works’, legal walls and murals. For permission works on private property, the minimum threshold for inclusion on the register is that the artwork or site is the product of an agreement between the owner of the property and the artist/s involved.

We recommend the City consider revising the role of the graffiti removal contractors to include periodic monitoring of approved sites on the Graffiti and Street Art Register. To reflect this new role, we recommend the graffiti removal contractors be renamed graffiti management contractors (or some other appropriate name recognising the ‘curatorial’ role of the contractors). Periodic review of Register sites by the contractors will form an integral aspect of the management of graffiti and street art in the City. The review itself will involve photographing the site, with the images uploaded to the Register. These images will provide an important evidence base detailing the way the graffiti and street art changes over time. This will aid the management of the sites and artworks on the Register by council officers, and provide a key database of evidence for use in stakeholder engagement and consultation (see Section C6, below).

**Recommendation 3.**
The City should consider expanding the role of the graffiti removal contract to include monitoring of approved sites on the Graffiti and Street Art Register. To reflect this new expanded role, we recommend the graffiti removal contractors be renamed graffiti management contractors (or some other appropriate name recognising the ‘curatorial’ role of the contractors).

Decisions about whether to remove a piece of graffiti do not boil down to the single question “does it have permission?”. Works and sites that are not on the Register may have significance and/or value. As we have noted, removal teams frequently hold-off from immediate removal of a specific piece of graffiti or street art because they believe it might have significance and/or value. At present they contact the Project Coordinator, Cleansing and Waste. On the initiative of the individual currently in that position, the advice of the Public Art Program Manager is typically sought. We suggest that this process could be modified in the following ways.

First, given the significance of initial judgements made on the ground by graffiti removal contractors who effectively play a ‘curatorial’ role by deciding which pieces should not be automatically removed, we argue that this role demands higher order training to prevent significant works being wrongly removed.
Recommendation 4.
When the City tenders for Graffiti Removal Services, applicants should be required to demonstrate both an understanding of the diverse forms of graffiti and street art that are present in the City, and quality assurance processes to ensure that all employees of the applicant will be appropriately trained to recognise this diversity and how it relates to the policy objectives of the City.

Second, when a piece is judged by the contractors to have potential significance, City staff should not be approached in the first instance. This is labour-intensive and unnecessary. Rather, we suggest that a process of consultation with City staff should only undertaken following a notification to the property owner/occupier, who should be given an opportunity to indicate whether they wish to keep the piece, or have it removed.

Recommendation 5.
Where Graffiti Removal Services contractors determine that a new piece of graffiti or street art may have value to the community or conforms to the strategic goals of the City, they should provide the property occupier/owner with an opportunity to indicate whether they wish to keep the piece or have it removed. This should include information about how to have the work included on the City of Sydney Graffiti and Street Art Register, and specify a reasonable timeframe for response.

Third, in the event that the property occupier/owner does not respond to the notification provided by the contractors within the specified timeframe, then the Public Art Program Manager should be consulted for a final determination. Taking this step only when property occupiers/owners have been given a chance to make their own determination should reduce the work for City staff.

Recommendation 6.
Where a property owner does not respond to a notification from the contractor, the work should then be referred to the Public Art Program Manager for a final determination. Decisions made by the Public Art Program Manager on such cases should be documented and regularly reviewed by the Graffiti and Street Art Advisory Panel (see Recommendation 17).

As we noted earlier in this section, we also think that there are opportunities for the City to directly engage its residents and visitors in making determinations about works and sites of graffiti and street art.

Recommendation 7.
The City should initiate a trial of inviting community comment on unsanctioned works whose status is being considered by the City, through an interactive web/social media platform.

Finally, we noted in Section A that the rapid removal of graffiti and street art can lead to a decline in the quality of work. While we assume that the City will continue to want to remove certain forms of graffiti and street art from certain places regularly, we believe areas where high quality works are concentrated would benefit from a reduced focus on removal. This will further enhance the quality of work, and hence character, of those areas.
Recommendation 8.
The City should recognise precincts defined as ‘character areas’, where graffiti and street art practices are a more important component of the local precinct identity. The City should review the current schedule of removal for the LGA to ensure it incorporates designated character areas. The City should establish protocols for the removal of graffiti and street art in character areas in recognition of the values of graffiti and street art to these precincts.
C2. Making space for legal graffiti and street art: Legal graffiti programs and legal walls

The provision, operation and importance of ‘legal walls’ were described above in Section B2. In contrast to permission walls where a particular artist or crew has gained (often exclusive) permission to paint, a legal wall is a site where anyone can paint without needing permission (see Section B3.1). A further distinction between legal walls and permission walls is that while permission walls are typically owned by private residents or businesses, legal walls are typically provided by government services, such as through local government programs or through youth services. As we noted, legal wall programs have been implemented in different LGAs in Sydney as a way to manage unwanted graffiti. The State government currently does not support legal wall programs. This has resulted in the closure of legal walls in different metropolitan LGAs under the assumption that these sites promote anti-social and criminal behaviour. At present a network of legal walls remain in operation in Sydney, including a local government-run initiative in Warringah LGA, and sites in Marrickville, Waverley, Leichhardt and Liverpool Councils.

C2.1 Why make space for legal graffiti?

We believe the City of Sydney should provide a network of legal walls within the LGA as a part of the wider network of sites of graffiti practice in the LGA and linking into networks of legal walls across metropolitan Sydney. We see legal walls as fulfilling three primary purposes for the City:

- to provide spaces for development of higher quality graffiti and street art;
- to provide community development and engagement opportunities for young people;
- to help manage where different types of graffiti practice occur.

Not all graffiti writers and street artists are at the stage where they can confidently negotiate permission sites with property owners or be considered for commissioned programs such as Streetware (see Section C3, below). Graffiti writers and street artists require spaces to work throughout the different stages of their subcultural and artistic career. Traditionally, these spaces have been unauthorised, but increasingly there is a need to provide authorised ‘legal’ spaces in order to realise the benefits of graffiti and street art in the public domain. If the City wishes to promote the positive contribution of particular types of ‘high quality’ graffiti and street art it needs to provide and promote spaces for the development of skills central to graffiti practice.

C2.2 Legal graffiti programs

As noted in Section B2, legal graffiti and street art programs play a very significant role in mentoring young people, through the provision of skills development opportunities and by connecting participants to youth and

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83 Attorney General’s report; NSW Legislative Assembly, Standing Committee on Public Works (2010).
community services that can assist them with a range of issues beyond their specific interest in graffiti and street art.

Legal graffiti and street art programs have been run sporadically and in an uncoordinated manner as a part of graffiti management and youth services in the City of Sydney LGA. For example, a program running out of Glebe Youth Centre, operating in a similar format to the Street University and Graffix programs in Liverpool and Blacktown LGAs respectively, led to the creation of several large-scale graffiti productions on the Glebe Housing Estate (see Figure 6, above, and Figure 17, below). Pine Street Creative Arts Centre in Chippendale has also run workshops in different graffiti practices, including workshops on street art practices such as stencilling (see Figure 18). Whilst the resulting artworks produced through these programs represent significant contributions to the character of these local communities, these sites are static and closed to other graffiti writers and street artists. In fact, there are currently no legal walls in the City of Sydney where anyone can arrive and paint without permission.

C2.3 Legal walls

Appropriately allocated legal walls can help young people and less experienced graffiti writers and street artists gain the skills necessary to make the transition to higher quality work on sanctioned sites, ultimately resulting in new contributions to permission walls and significant graffiti and street art in the LGA. By further contributing to networks of sanctioned sites of graffiti practice, the provision of legal graffiti sites will help to align graffiti practice with the objectives of the City, providing precinct distinctiveness and creativity in the public domain.

The City can play a key role in the provision of sites for use as legal walls. It is our experience that legal walls can operate in a range of ways depending on the users and the location of the wall. By associating a legal wall with a youth service or Neighbourhood Centre, the City may be able to, in effect, curate the walls, in a similar manner to the way the Graffix program and Street University’s graffiti program manage the legal sites in their respective facilities. Curating a legal wall program can be useful if the desire is to associate the legal wall with a particular kind of practice, or to aim at a particular group of users. For example, a legal site may be demarcated into different areas that allow different rhythms of use and account for different levels of skill, respect and experience (see the example of Street University in Box 4).

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84 ibid, p. 530
Figure 17: End-terrace productions on the Glebe Housing Estate organised by Glebe Youth Service. Photos: Cameron McAuliffe; survey records 334 (bottom) and 331 (top).
Legal walls that are available for visiting artists are currently difficult to source in the City of Sydney due to the long lead-times involved in trying to seek Council permission. We found a number of cases where visiting high-profile writers/artists were not able to easily access sanctioned legal spaces, even when they approached the City directly.

Associating legal walls with youth services allows the legal walls to act as key infrastructure for youth programming. Legal graffiti walls have been used to great effect as tools of youth engagement in the youth sector. Many of these programs successfully combine access to the site with the use of key mentors deeply involved in graffiti/street art in Sydney in order to produce successful youth engagement programs.

Travelling to and from legal sites carrying graffiti implements remains problematic for young writers under the Graffiti Control Act 2008. Parents and senior writers are sometimes enlisted to escort young people to legal sites, or to bring aerosol cans and other graffiti implements to the site for use by young people. Sites that are aligned with youth services allow the possibility of secure storage of aerosol paints for use by young people, helping to limit the risks for young people of carrying aerosol paints as well as guiding the timing of use of the walls.

In order to facilitate the development of appropriately resourced legal wall programs in the City of Sydney, consideration should be given to lowering the bar on the DA requirements faced by youth and community services who wish to mount legal wall trials and programs.

The City may also wish to follow the example of Canberra, which has designated a network of legal walls with only minimal controls (see Box 13). Where legal walls are effectively run as free walls with no programs
attached, there is the possibility of tagging and other graffiti practice bleeding over the edges of the site. Depending on the nature of the site and its location relative to other properties, this may be able to be managed within the context of the regular patterns of graffiti removal in the City.

In the absence of a curator, whether a more formal curator attached to a nearby sympathetic institution, or a writer/artist who informally curates a particular site, it is important that the Council clearly communicates the role and purpose of the legal walls to the owners of property and other stakeholders who feel connected to the communities within which these locations exist. It is also very important that the writers themselves have access to information about the status of the sites in the City. Again, the Canberra case represents a good example of a clear set of guidelines being communicated to artists, as well as other stakeholders. In other locations, where legal walls have been seen more as a necessary evil (e.g., as part of a harm-minimisation strategy that continues to problematise all graffiti practice) this communication has been muted, and in some cases deliberately absent, creating confusion among users and nearby residents.

Box 13: Legal Walls – the Canberra approach

In Canberra, as well as enabling legal ‘permission walls’ through ‘community art mural’ approvals, the ACT Government’s Territory and Municipal Services (TAMS) has approved a list of ‘Legal Graffiti Art Sites’. There are currently 26 of these in Canberra, in locations such as storm water drains, toilet blocks, skate parks and the like. The only restriction on what can be painted at these sites is that the works cannot be offensive, where “Offensive means racist, sexist, otherwise prejudice, contains crude language, depicts graphics of a sexual or violent nature, or contains a person’s details”. The list of sites and rules/norms for their use are posted on the TAMS website, and notices are also posted on each of the sites.\(^{85}\)

Melbourne academic, Professor Alison Young looks upon this approach favourably, because it “does not dictate what types of art practices should be carried out at those walls: most councils restrict artists to murals but Canberra permits all practices, including tagging…”\(^{86}\)

C2. 4 Recommendations on the role of the City of Sydney in making space for legal graffiti and street art

We think it is important that the City provide legal sites where anyone can paint without permission as a part of the network of sanctioned sites available within the City. Based on the discussion of legal walls here and in Section B2, we recommend the City trial a series of legal wall sites in different locations in the City of Sydney aimed at providing space for skills development. These legal walls trials should investigate the relative merits of curated versus non-curated sites.

Further, we recommend that any program of legal walls be supported by an adequate program of communication that clearly highlights the location, responsible ‘curator’ of the site and the City’s expectations.

\(^{85}\) For further information about the operation of Legal Graffiti Art Sites in Canberra, see http://www.tams.act.gov.au/city-services/public_areas/graffiti/graffiti_guidelines

for the use of the site. This will help avoid ambiguities among the users of legal wall sites and help position these sites within the different networks of sites operating within the City.

Recommendation 9.
The City should establish a network of legal walls in the LGA. Where possible, each legal wall should be 'curated' in collaboration with existing service providers (such as youth services). Clear information about the location of legal walls and the expectations about what is permissible should be made available through the City website and service providers. A trial of legal walls should be initiated as a part of this program to investigate the relative merits of curated versus non-curated sites.

Recommendation 10.
The City should offer legal graffiti and street art programs through existing Community Service Providers. These programs should provide participants with access to professional and experienced graffiti writers and street artists, and should provide clear pathways to other useful services such as health and education.
C3. Commissioning graffiti and street art

C3.1 Streetware and other commissions

The City of Sydney has played an active role in commissioning high quality examples of graffiti and street art in the LGA, primarily (but not exclusively) through the Streetware program. Streetware provides an excellent example of the City’s current efforts to use graffiti and street art to activate spaces and engage residents and visitors to the LGA. It has run four times since 2010, generating a series of works of different styles by high-profile local and international artists (see Figure 19).

The City plays a very active role in Streetware, including:

- Identifying sites and gaining planning approvals;
- asking for expressions of interest from artists, then selecting and paying the artists whose work will be displayed;
- organizing installation, including relevant permissions for road closures and scaffolding if necessary;
- publicising and promoting the work to its potential audience.

All of this involves the Program Coordinator liaising with local businesses, local residents, artists, asset managers, City planners, Roads and Maritime Services among others. From an initial budget of around $10000, the Streetware budget is now around $35000 per year.

Streetware and other one-off initiatives like it have been highly successful in building an audience among Councillors, local businesses and residents for high-quality graffiti and street art. These initiatives also provide important, paid opportunities for the artists involved. Some works have become popular features of their locality.

In its various incarnations, Streetware has certainly been a ‘learn as we go’ process, and it raises several important issues for the City in crafting an on-going role in relation to commissioning graffiti and street art in the LGA.

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87 ‘High quality’ here is a measure of the significance of the graffiti or street art piece and can relate to the status of the artist, the aesthetic content of the work, the skill demonstrated in its execution, its contribution to the activation of the space, or some other combination of the valuations of stakeholders and the strategic aims of the City. See Section A5 of this report.
C3.2 What kind of approvals for commissioned works?

Typically, Development Applications (DAs) for temporary approval have been used for works associated with Streetware and other street art initiatives, with various durations from three months to two years. This has had its advantages and disadvantages. On the one hand, as several City officers told us, applications for temporary works tend to generate less controversy, by 'lowering the stakes' – people are less likely to be concerned about a change to their locality if it is not presented to them as permanent. On the other hand, there is a lack of clarity about what happens when the temporary approval expires. In some cases (such as Reko Rennie’s work in Taylor Square), work that had temporary approval has been formally extended through DA renewals. In other cases, work has been ‘left on the wall’ at the expiry of the DA. In other instances, property owners have asked the City if a new work can be funded and installed. Finally, in other instances, the work has disappeared for other reasons – such as changes in property ownership, redevelopment, or the painting of uncommissioned work (from tags to new pieces) over the approved work.

Here, one of problems is that the DA relates not to the use of a site for graffiti and street art, but for the installation of a specific work. As such, any alterations to the work, or even an extension of the work’s life, require further DAs. This is a complicated process, and because the DA is typically lodged by the City itself rather than by the property owner, it involves several City staff in both Public Art and Planning in more work. While this labour can be minimised where the Council uses its own property, thereby minimising the need to liaise with property owners, it is still resource-intensive if each new work requires new approval.

C3.3 City resources for commissioning graffiti and street art

Such complications are indicative of broader concerns about the sustainability of Streetware voiced by some City officers. While it has produced high quality work that has been well received, it has done so through a process that is very labour- and resource-intensive for the City. Further, it has set up the problematic
expectation among some property owners that the City will continue to fund street art on their property and support it through the development application process. That is to say, the spaces used as Streetware sites have not always become self-sustaining. One of the important questions raised by those involved in Streetware is how the efforts of the City can be leveraged to facilitate more self-sustaining practices. As one City officer closely involved in the program said, “we’re very keen to kind of try and open it up”, but at present Streetware is not achieving this goal. This is not necessarily a problem for Streetware per se – rather, it is indicative of the need to think about other roles the City can play alongside commissioning new work.

C3.4 Inclusion and exclusion in the commissioning process

It should also be noted that Streetware has tended to privilege particular kinds of art and artists, because of the quite formal processes involved in submitting a work for consideration. Not all of those who are capable of producing significant work see themselves as potential applicants to the tendering process – they may not be set up as businesses with insurances, portfolios, etc. Some local artists also raised concerns that the City was more likely to select high profile artists from inter-state and internationally than lower profile locals.

C3.5 Recommendations on the commissioning of graffiti and street art by the City of Sydney

Given the success of programs like Streetware, we suggest that the City should maintain an active role in commissioning high quality work through such programs. However, there are some opportunities to build on past experience to make this process less resource-intensive for City staff.

Recommendation 11.
The City should continue to commission high quality graffiti and street art through programs such as Streetware.

Recommendation 12.
The City should actively minimise the barriers to participation in its commissioned graffiti and street art programs by reviewing and, where possible, minimising eligibility criteria that do not relate directly to artistic skill and the quality of proposed works.

Recommendation 13.
Where temporary development applications are sought to ‘unlock’ spaces for such commissioned works, they should be sought for permitted graffiti and street art more generically, rather than for specific pre-defined works. This would enable owners of those spaces to enter into permission arrangements with other artists once the event has concluded.

Recommendation 14.
The City should continue to submit formal Development Applications as required when it seeks to use Council assets for commissioned graffiti and street art. In line with approvals for advertising in the City, the DA should relate to the site as a location of sanctioned graffiti and street art, rather than a specific artwork. This will enable the use of the site beyond the life of the initial commission and DA.
C4. Enabling occupants/owners and artists to enter into permission arrangements for graffiti and street art

In Sections C1, C2 and C3, we have discussed the ways in which the City of Sydney seeks to regulate the forms and locations of graffiti and street art within the urban public realm by removing some forms and actively encouraging others through making space and/or commissioning legal graffiti and street art.

But it is also clear that these are not the only roles that the City could, or should, play in relation to graffiti and street art. In particular, as many interview respondents inside and outside the City pointed out, there is no reason to assume that without the City’s direct intervention, only poor-quality forms of graffiti and street art that detract from the City’s broader policy goals will be produced. Indeed, some of our informants were keen to point out that because these styles emerge from ‘the street’, the production of high quality work might sometimes require the City to step back rather than step in. Nor is it realistic for the City to assume that it can directly control the forms and locations of graffiti and street art that exist within the LGA.

In this broader context, as one City officer told us, a further question emerges for the City. This question concerns the:

push and pull between … the things we make happen, and then the things where we walk away and let other people make happen, this is a really interesting space.

We agree that this is an ‘interesting space’, and we believe there are specific opportunities to establish a new kind of dialogue between the City and its citizens in relation to graffiti and street art, while at the same time saving City resources.

In the discussion to follow, we trace how this particular question has emerged for the City, and offer some initial thoughts on how it might be answered. In C4.1, we note that several City staff expressed concerns about the high level of financial and human resources required by the City’s current efforts in this policy space, and sought mechanisms that would enable artists and property owners to take more initiative within an overall framework set by the City. In C4.2, we note that artists and some residents are frustrated about the impediments that exist to taking their own initiative in producing the kind of graffiti and street art that might contribute to broader City objectives. Here, there is a remarkable convergence of the specific frustrations of both City staff and artists about existing policies and practices. In C4.3, we offer a conceptual framework for thinking about these frustrations and the policy challenges that they express. Finally, in C4.4, we identify several opportunities for re-balancing the City’s role between ‘making things happen’ and ‘letting things happen’ that these might address these mutually-shared concerns, and make recommendations about how these opportunities could be realised.

C4.1 The burden of ‘making things happen’: the City perspective

One of the concerns that emerged in interviews with City staff – and indeed, one of the concerns that prompted this review of the City’s graffiti and street art policies – is that the City’s current practices require high levels of financial and human resources. This concern applies not only to the cost of the City’s approach to graffiti removal, but also to the cost of the City’s approach to actively encouraging and maintaining some forms of graffiti and street art.
For instance, in Section B3, we discussed the City’s role in actively commissioning high-quality graffiti and street art through programs such as Streetware. There, we noted that such programs require a high degree of involvement by the City. But the success of these programs in producing high-quality work has generated several new dilemmas for the City. One City officer put it this way:

Do we keep going back and carrying out the maintenance because we commissioned this work two years ago? Yet when we did commission it, we did say to the artist that the DA was only for two years. And now the DAs are expiring and we’re in a position where the building owners love it and want another work there but they want us to pay for it. Or like local businesses love it and they want more to happen, but again they’d like the city to fund it. We only have a certain amount of money each year so do we keep going back to these sites?

Here, and in other similar comments from several staff, we see a need for the City to think through the ‘next steps’ in its engagement with graffiti and street art as a means to enliven the public realm. Programs such as Streetware could be characterised as ‘demonstrator projects’, which have successfully built a broader enthusiasm for high quality graffiti and street art in the city. But this should not mean that the City becomes the only, or even the primary, sponsor and financial backer for high quality graffiti and street art.

While there are certainly others outside the City who could play this role, at present their initiatives are also resource-intensive for the City, due to the nature of the current approval process for graffiti and street art in the LGA. The City has tended to require property owners to submit Development Applications for works of graffiti and street art on their property. This sets in train a relatively long process of display, consultation, and site assessments, all of which require City resources that are mitigated but not defrayed by the DA fees received. Planning officers expressed an understandable desire not to see a flood of new Development Applications for graffiti and street art making their way into an already stretched system. (And as we will note soon in C4.2, the DA process is also so complicated and costly as to provide a disincentive for residents and artists who wish to work together.)

Further, the current DA process is not necessarily suited to permission walls for graffiti and street art. First, it tends to only permit specified works, which is unsuitable for the more ephemeral practice of graffiti and street art where spaces are more dynamic and likely to change over time. Second, by its nature, the process can be a recipe for the generation of complaints that can halt efforts which might have widespread support. As one City officer put it:

part of the problem we have with DAs is that we send letters to people saying ‘please object’, that’s basically what we’re doing. So imagine you getting a letter one morning from council that your neighbour wants to paint their house in spots and put a cow on the front door. Let us know what you think.

The point here is that if the City requires all potential works to go through a formal DA consultation process, this is likely to generate complaints from those who might not have complained otherwise (also see Section C6).

C4.2 The burden of ‘making things happen’: the citizen perspective

It is clear that both the enthusiasm and resources for producing high quality graffiti and street art that contributes to the City’s broader strategies exists in the community. However, those with the enthusiasm and
resources feel that current regulatory frameworks impede their efforts. As we were told time and again, the ingredient that is most crucial and yet most difficult to acquire is space. While some of the regulatory frameworks that make space so hard to find are set by the NSW Government and beyond the City’s control, other regulatory impediments are certainly within the City’s power to change.

Of course, sometimes space is simply appropriated without permission. But of particular interest to us in this section are the efforts of graffiti writers and street artists to operate with the permission of property owners. In many parts of Sydney, and in many cities across the world, it is not uncommon for artists to approach residential and commercial property owners directly about painting a wall on their property (see the discussion of ‘permission walls’ in Section B3). Property owners who welcome such approaches may do so because they are art lovers, because they wish to support local artists and young people, because they wish to reduce tagging on their wall, or for several other reasons. The artists with the skills, confidence and portfolios to negotiate such opportunities are typically able to produce high quality work. For artists, permission walls are attractive to avoid legal entanglements, because they allow time and effort to be applied to the work, and because they often involve highly visible ‘spots’.

Presently, there is a lack of knowledge, and lack of clarity, among residents, artists and City staff about the planning approval requirements for such a process. This is not surprising, given the many factors that complicate decisions on these matters — for example, different rules will apply to heritage buildings, buildings in heritage conservation areas, graffiti or street art that could be interpreted as signage or advertising for a business, etc.

In light of these complications, when property owners or artists formally approach the City about the possibility of establishing a permission wall, the City has tended to require property owners to submit a Development Application.

The DA process adds considerable cost and time to the permission process, and is a significant disincentive for artists and property owners. This was emphasised by artists consulted in our research, and was also acknowledged by some City staff who had dealt with property owners who wished to have graffiti/street art on their property. As one City officer noted:

Obviously part of the reason people don’t like going through the process is that it costs money and it costs time.

Or, as another City officer said of the various forms associated with the DA and grant processes: “They’re showstoppers”.

This impediment also blocks the City from taking advantage of short-term opportunities for the production of high quality graffiti and street art. Local artists and City staff have been approached by high profile international artists visiting Sydney seeking to paint with permission. But the opportunities provided by these visits are frequently unrealised. For its part, the City has not been able to provide space at short notice — even where the City has established planning consent at certain sites, such consent only applies to a specified work, meaning that no space could be provided without a further assessment process. Often, at the suggestion of local artists, they end up painting in private spaces, in other localities, or not at all.

Given both the lack of clarity and the significance of the impediments, many artists and property owners enter into permission arrangements that do not have formal planning approval, and ‘hope for the best’.
Sometimes, where the work does not generate complaints, it may remain in place for a period of time. Sometimes it may generate complaints and subsequent inspection by City officers, which can result in removal or a process of consultation and approval. Sometimes the work may attract the attention of the City’s removal contractors, who have the authority to remove pieces that do not have planning consent without needing the consent of property owners (although, as we noted in Section C1, discretion and consultation is often used if the work is judged by the removal crew to be of ‘significance’).

Given the likelihood that permission pieces will not survive, several artists told us that they have simply stopped approaching property owners for permission walls within the City of Sydney LGA, and do their legal work in other LGAs (such as Marrickville) where the regulatory environment is less restrictive. One only needs to survey the graffiti and street art works on either side of King St, Newtown, to observe the difference that this makes (the Marrickville side has the best work!).

The cost and time of the existing DA process is also an impediment to more ambitious graffiti and street art events that could be organised and resourced by actors within the community. These events could be quite similar to Streetware in their scope — an example is the recent Wonderwalls event in Wollongong, which was an artist-initiated event. Where curators may be able to source budgets for such events from brands and other sources, understandably they do not wish to see those budgets devoted to planning fees rather than materials and artists. Were the City able to assist organisers with removing some of the regulatory costs and/or navigating the approval process, Sydney might become the venue of high profile graffiti and street art events at a much-reduced cost to the City.

On some occasions, such events have simply been organised without permission. And interestingly, there are examples of such events being positively endorsed by City representatives, including the Lord Mayor. A so-called ‘guerrilla gallery’ of photographs installed without permission along a wall on Elizabeth Street received the Lord Mayor’s explicit approval, including a motion to Council to take all steps to retain the works as a public art project.

In this instance and others, we see the City’s elected officials and staff recognising the contributions that can be made by artists and property owners beyond the City’s own efforts to commission high quality work. The question then is, how might the City’s policy framework be adjusted to better enable such contributions?

C4.3 The Legislated City and the Uncommissioned City

One way of thinking about the tension that we have identified above is provided by Alison Young, in her recent work on the place of street art and graffiti in the urban environment.

Young describes such tensions as a kind of structural antagonism between the planning framework of the City and the place-making efforts of urban inhabitants. Indeed, Young argues that there are parallel cities — the legislated city of property boundaries and planning codes, and the uncommissioned city created by those whose practices do not conform to the grid of the legislated city. Those inhabitants of the uncommissioned city,

88 See http://wonderwallsfestival.com/
“occupying the same space as the legislated city, embody the possibility of both another life and another mode of legality”. This mode of legality is the customary rights of the urban commons:

The persistent acts of mark-making that constitute street art enact a legality in which citizens are authorised by adaptation of property and places, rather than by the use or ownership of them; it is a legality that cross-hatches the cityscape along with that of the ordinances, writs and statutes of the legislated city.90

This frame rejects any attempt to legislate the uncommissioned city out of existence, even as it does not seek to overrun the legislated city with the uncommissioned practices of graffiti writers, street artists and others. To take the notion of an urban commons seriously, she argues:

should not be read as a call to abandon the legislated city in favour of the uncommissioned city; rather, it is an exhortation for us to learn to be citizens of both and in so doing to discover a space that is not reducible to either.91

This way of thinking about the ‘cities within the city’ provides the basis for an answer to the question of how the City might strike a better balance between ‘making things happen’ and ‘letting things happen’.

C4.4 Recommendations for ‘letting things happen’ within a strategic planning framework

We think there are several opportunities for the City to step back in order to ‘let things happen’, by embracing its role in enabling high quality graffiti and street art initiated by citizens of the ‘uncommissioned city’ within a broader policy framework. This is all about opening up space—not as a ‘free for all’, but within a somewhat looser regulatory framework that still satisfies the City’s broader policy objectives. In this section, we work through a series of opportunities identified in our research.

C4.4.1 Construction Site Hoardings

The City’s current hoardings policy notes that while individual hoardings might be temporary, hoardings are a permanent feature of the city’s landscape and therefore a significant element of the public domain. One of the desirable improvements to hoardings outlined in the City’s policy is “creative use of colour, images and graphics” in order to “ensure that the hoardings are a source of visual interest”.92

High quality graffiti and street art could be an effective source of colour and visual interest on hoardings, and could significantly enhance their contribution to the public domain. This has been the case in other local government areas in Sydney and in other cities (see Figure 20). Because each individual hoarding is temporary, the use of graffiti and street art to add visual interest would be less likely to generate public concern. But precisely because hoardings are a permanent part of the public domain, if they were available for graffiti and street art through negotiated arrangements between the developer and artists, this would ‘unlock’ a significant amount of space for high quality work at little or no cost to the City.

91 Ibid.
92 City of Sydney (1998) Policy for the Design of Construction Hoardings, Section 2.5, p. 6, Element 6, p. 19
At present, it is the developer’s responsibility to keep hoardings free of bills and graffiti, and any use of graphics on hoardings requires the City’s prior consent. For a developer to come to an arrangement with artists for a hoarding to be painted with graffiti and/or street art, the developer would need to submit any graphic designs (or at least intentions to include art) for approval at the time of the application for the hoarding permit. This is a strong disincentive to the kinds of arrangements that could result in high quality graffiti and street art on hoardings, which are likely to be entered into only after hoardings are erected and come to the attention of potential artists.

We think there is an opportunity here to adjust such controls, so that developers can approach the City at any time with a proposal for their hoardings to be used for graffiti and/or street art. This would meet the objective discussed above of enabling property-owners and artists to come to arrangements that meet the broad policy objectives of the City without requiring the input of substantial City resources.

Recommendation 15.
The City should modify its Policy for the Design of Construction Hoardings to enable:
- a) developers to apply for the use of hoardings as a site for permitted graffiti and street art (as distinct for specific pre-defined works), and;
- b) developers to apply for such permission at any stage during the construction and operation of hoardings.

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93 The current policy states that “If the application does not include a photomontage or sketch adequately describing graphic design and information and any proposed location for advertising panels/signs, then Council will impose a condition requiring that either this material be submitted within a specified period or the hoarding be painted the standard colours” (4.1, page 24).
C4.4.2 Permission Walls on Residential Premises

As noted above, it has been the practice in most areas in the City to require property owners to submit a DA to have permitted graffiti or street art on their property. Within recently revised State planning frameworks, there is considerable scope to remove this requirement for a significant proportion of residential properties throughout the City.

At present, residential properties not in a heritage conservation area do not require any form of planning approval for changes to their paint scheme – the State Environment Planning Policy (Exempt and Complying Development Codes) 2008 (hereafter SEPP 2008) includes “painting” as a “minor external non-structural building alteration” that is exempt development. We see no reason that painting would not include graffiti and street art. This means that residential property owners outside heritage conservation areas should be able to enter into permission arrangements with artists without the need to submit a DA.

Changes to the paint scheme at the front of residential properties inside heritage conservation areas are not exempt development. However, ground floor alterations to the walls of the property that do not face the primary road are complying development even inside heritage conservation areas. This means that residential property owners inside heritage conservation areas should be able to enter into permission arrangements with artists to paint walls/doors at the rear and/or side of their property without the need to submit a DA.

In many residential areas of the City, it has been the practice of planners to grant development approval for requests to paint high quality graffiti and/or street art on the side wall of a residential property at the end of a terrace row, including in heritage conservation areas (for instance, there are several large scale works on ‘end terraces’ in Glebe – see Figures 6 and 16). This practice should be complying development because the side of the house is not the ‘primary road’. However, in order to clarify the situation, this practice could be formalized in the City of Sydney’s Local Environment Plan (LEP), which could add the painting of the sides of terrace houses to the list of exempt forms of development contained in SEPP 2008.

Changes to the SEPP 2008 that came into effect in February 2014, introduced a new exemption for the installation and display of any outdoor sculpture or other freestanding artwork which have approval from the owner of the land or under the Roads Act 1993 or as long as they are not higher than 6m, or 3m in a residential zone. It is not yet clear whether this exemption will apply in heritage conservation areas.

So, in each of the above situations, it appears to us that residential property owners do not necessarily require any form of planning approval to enter into permission arrangements with graffiti writers and street artists. (Of course, it should be noted that separate regulations prevent such graffiti or street art from containing advertising or offensive material.)

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94 The following discussion does not apply to heritage buildings, which have their own particular set of controls.
95 Heritage conservation area maps for the City of Sydney can be found at http://www.legislation.nsw.gov.au/mapindex?type=epi&year=2012&no=628#CL2
96 See SEPP (Exempt and Complying Development) 2008, Reg 2.53.
97 See SEPP (Exempt and Complying Development) 2008 Part 4 4.3-4.4 allows external alterations on the ground floor level of a house in a heritage conservation area or a draft heritage conservation area to the walls not facing the primary road. See also Fact Sheet 8 Housing Code, Planning NSW.
98 SEPP (Exempt and Complying Development) 2008, Reg 2.77 and 2.78.
Recommendation 16
According to State Environmental Planning Policy (Exempt and Complying Development) 2008, painting external walls of residential properties not in heritage conservation areas is exempt development, and painting the side- and rear-facing walls of residential properties in heritage conservation areas is complying development. Painting of graffiti and street art with permission on these surfaces should therefore not require prior approval via Development Applications. If necessary, this should be formalised in the City of Sydney’s Local Environment Plan.

Recommendation 17.
The City should provide clear information to artists, residents and property owners about when and where they can enter into 'permission arrangements' to produce graffiti and street art. This information should make explicit the circumstances in which such arrangements do not require approval from the City. It should also make explicit the circumstances in which such arrangements do require approval, and provide guidance about the process for seeking such approval.

We suggest that the City establish a simple ‘check box’ notification system for residential property owners. Such a system – similar to the self-assessment system currently in place for planter boxes in the City99 and the permit system current in place for street art and graffiti in the City of Melbourne (see Box 14) – would serve at least two important purposes. First, it would help to clarify the forms and locations of graffiti and street art that do not require approval, for an audience of artists, residents, and City staff (especially front-line staff in customer service roles who may field inquiries from the public about graffiti and street art). Second, given the City’s activities in graffiti removal, it is also important to have some record of the existence of permission walls in order to prevent works being removed by the City’s removal contractors. To avoid the unwanted removal of permission works, the City’s graffiti removal contractors should provide residential property owners with an opportunity to notify the City of a permission arrangement before removing any works that may be the result of such an arrangement (also see Recommendation 5).

Recommendation 18.
The City should develop a simple, ‘check-box’ notification form for residential property owners in the City who wish to enter into permission arrangements with graffiti writers and street artists. This form would guide property owners through the forms and locations of graffiti and street art that do not require formal Development Application, and notify the City when and where new sites for graffiti and street art are established. This system should draw on the self-assessment system currently in place for planter boxes in the City and the permit system current in place for street art and graffiti in the City of Melbourne.

99 See Appendix.
Box 14: Planning Permits – the City of Melbourne approach

In the City of Melbourne, property owners who wish to enter into permission arrangements with artists are encouraged to acquire a permit from the City to do so. This permit can be applied for in advance of the work being installed, or for retrospective permission for a work that has already been installed. The permit is a simple process (a short 1-2 page form), has no cost, and ensures that the work is not targeted by graffiti removal contractors.

As of January 2014, there are only 32 sites for street art registered under this system – a rate of around 4 registrations per year on average.100

Alison Young has noted several problems with the operation of the City of Melbourne’s permit system for graffiti and street art, in particular:
- The online register did not provide much information about the registered sites, or any images, which might encourage people to seek out the sites;
- There is no acknowledgement that many sites on the register are the product of the City compelling many property owners to seek out retrospective registrations for existing works;
- There is confusion in the graffiti and street art communities about the meaning of registration, leading some to believe that registration made a site ‘open to all’, and thereby contributing to a decline in the quality of work on some registered sites;
- The permit system favours large works, meaning that some styles such as paste-ups, stickers and stencils are classified as illegal and impermissible by default.101

We find the simplicity of the Melbourne permit system compelling, and such a system is also useful in providing a list of sites that should not be ‘cleaned’. But the word ‘permit’ also introduces a confusion with a more formally legislated planning ‘approval’. As we have detailed in this section, residential property owners to not require any form of ‘permit’ to enter into an arrangement with an artist in many circumstances. ‘Notification’ is another word that could be used for a similar kind of form in the City of Sydney.

C4.4.3 Permission walls and signs on commercial premises

Owners of commercial premises may also seek to enter into permission arrangements with graffiti writers and street artists.

Where such permission arrangements produce works that could be defined as signage or advertising, the City of Sydney currently has a Development Control Plan (DCP) in place to regulate their appearance and placement. This DCP operates in conjunction with SEPP 64, which applies to “all signage and advertising structures … and to other devices including lighting, logos, colour and paint schemes, both on and within

100 For the list, see: https://www.melbourne.vic.gov.au/ForResidents/StreetCleaningandGraffiti/GraffitiStreetArt/Pages/Registeredstreetartapplications.aspx
101 Young, “Legal/Illegal: Street Art in Australia.”, p. 67
buildings (including doorways and windows) and sites.”\textsuperscript{102} Under the current DCP, such works are not exempt and require planning approval.

The City’s DCP also interacts with heritage conservation areas and “allows for the development of precinct based Signage Strategies” and indeed provides controls for “Signage Precincts” that are already identified.\textsuperscript{103} Section 6 of the Signage and Advertising Structures DCP lists a number of conditions specific to signs in a number of designated Signage Precincts. Some of these conditions seem to open the way for forms of street art on commercial buildings to be approved. For instance, in relation to the King Street Newtown Precinct, the DCP notes that:

Signs which are part of a unique work of art must not incorporate direct advertising and/or products or services sold. Ongoing maintenance of the sign is a condition of consent.\textsuperscript{104}

However, as of February 2014, changes to SEPP 2008 make certain forms of signage and advertising exempt development. On commercial properties, the new exemptions for advertising and signage make it possible for property owners not in heritage conservation areas to have signs painted on the exterior of their property (with certain size restrictions depending on what kind of land zone it is in). For instance,

- In an industrial area, a wall sign can be up to \(16m^2\) or up to 20\% of the wall space (Reg 2.87e). It can be up to 8m in height (Reg 2.87g);
- In a residential area, a wall sign can be up to \(2.5m^2\) (Reg 2.87c) and not more than \(2.5m\) in height (Reg 2.87g); and,
- In a business zone, a wall sign can be up to \(5m^2\) (Reg 2.87d).

There are a few restrictions on these exemptions. Any sign,

- must have the consent of the owner of the land (2.83a);
- must not be on restricted premises (2.83c);
- can not result in more than 3 signs on buildings with only one commercial tenant (2.83f);
- can not result in more than 6 signs on buildings on any given building (2.83g);
- can not result in more than 1 sign on home business in residential zone (2.83h); and,
- can not contravene Summary Offences Act which also regulates signs.

So, within the limits noted above, owners of commercial properties can enter into arrangements with graffiti writers and street artists for signage (and even advertising) as exempt development.

Recommendation 19.
The City should develop a simple, ‘check-box’ notification form for commercial property owners in the City who wish to enter into permission arrangements with graffiti writers and street artists to produce signage that is compliant with State Environmental Planning Policy (Exempt and Complying Development) 2008. This form would guide commercial property owners through the forms and locations of graffiti and street art that do not require formal Development Application, and notify the City when and where new sites for graffiti and street art are established.

\textsuperscript{102} City of Sydney (2005) Signage and Advertising Structures Development Control Plan 2005, p. 1
\textsuperscript{103} Ibid Section 1.5, pp. 2-3.
\textsuperscript{104} Ibid Section 6.4.10, p. 28
Recommendation 20.
The City should use the spatial information in this report about the existence of 'street art milieu' to identify changes to the guidance provided in its Signage Development Control Plan, by enabling the use of graffiti and street art works for signage in appropriate areas via Signage Precinct guidelines.

C4.4.4 Permission walls on Council Assets

Of course, the City is itself a significant property owner within the LGA. As such, it can also enter into permission arrangements with graffiti writers and street artists. Indeed, as we have noted above in Section C3, the City has frequently made use of its own assets for commissioned works through programs such as Streetware.

We suggest that such a process could continue, and we also think that even where it is not required by State planning law, it may be advisable for the City to continue to submit formal Development Applications, to ensure it models a rigorous process of consultation with the wider community (see Recommendation 7 above).

However, there are opportunities to change the nature of the DA to better reflect the ephemeral and dynamic nature of graffiti and street art. We suggest that even where temporary DAs are sought, they should relate to the site, rather than for specific pre-defined works. This would enable the City’s assets to be mobilised more effectively as a dynamic ‘gallery’ of works by a range of artists who approach the City to paint at identified spaces (see Recommendations 13 and 14).

C4.4.5 Requests for temporary permission spaces for third-party events

At present, requirements for DAs for works of graffiti and street art in the City of Sydney present a potential barrier for third-parties wishing to organise graffiti and street art events. It would be of potential value for the City to investigate ways to streamline regulatory processes, such as development applications, possibly drawing on the proposed Graffiti and Street Art Advisory Panel to review and oversee event applications.

Recommendation 21.
The City should investigate new pathways for the approval of spaces for graffiti and street art events organised by third-parties. New regulatory pathways might include oversight and review by the proposed Graffiti and Street Art Advisory Panel as an adjunct to a streamlined development application.

Recommendation 22.
The City should establish a special category of Development Applications for graffiti and street art, which should be free and as simple as possible to reduce administrative burdens on residents and City staff.
C5. Protecting and conserving graffiti and street art

In this section, we consider the important role that the City can play in the protection and conservation of graffiti and street art that has particular significance or value. We suggest that while the bar should be set quite high for anyone approaching the City with a protection/conservation request, this should be an option in certain limited circumstances. We also discuss options for protection and conservation that align with the particular nature of graffiti practice as discussed in Section A.

C5.1 Why protect or conserve graffiti and street art?

When any kind of art is placed in the outdoors, it has the potential to deteriorate, exposed as it is to both 'the elements' and the activities of people in the city. This applies particularly to graffiti and street art painted onto urban surfaces — a range of processes and challenges such as fading, flaking, vandalism, changes in values and attitudes of residents and property owners, and the like can influence the longevity of any work.

Of course, this potential for deterioration is not necessarily a problem. Many painted works — particularly works of graffiti and street art, but including community murals — are not intended to last forever. With graffiti and street art, for example, the ephemerality of a work is informally regulated through cultural norms that inform practices of both preservation and removal through the installation of new work. The wall is a dynamic site.

However, when particular pieces of graffiti or street art, or even particular sites, become valued by different stakeholders this sometimes leads to wishes to protect and keep the artworks safe from deterioration. On several occasions in recent years, residents have approached the City about the preservation of murals and street art in their neighbourhoods. As one City officer told us:

I guess the community see us as an authority and so they kind of think well council's their first port of call and they think that because it is sitting on the street that it is our responsibility.

Such requests reflect the fact that murals can become a valued part of the landscape in neighbourhoods across the City for many residents, lending character to an area and/or providing insights into its past.

Preservation of murals can be a costly and contentious process. There are several complicating factors for the City in making decisions about preservation, in particular:

- Is the artwork on a City asset, or on someone else’s property?
- Was the artwork commissioned by the City, or by the property owner, or was it initially painted without permission?
- Is the artist of the piece known and/or contactable, and is the artist significant?
- Is the artwork a significant example of a particular style or form of graffiti or street art?
- Does the artwork reflect a particular strategic aim of the City, such as commemorating Indigenous heritage?
- Is the work significant for some other reason, such as being linked to a particular event or individuals in the life of its location?
• Is the site more significant than the work? In other words, could a site be more important for its ‘living heritage’ as a space of street art than for the particular piece on a wall at any given time?

So, for instance, requests for conservation may relate to commissioned work on City assets where the artist is known, to a privately-commissioned work on a private property that has changed hands since the piece was originally produced where the artists is unknown.

Given the cost and complicating factors involved in preservation, how should the City approach this issue? There are two key issues here. First, how should the City decide which pieces to protect? Second, what form should that protection take – for instance, it could be conservation, restoration, documentation, or combinations of these?

C5.2 Moving from Passive to Active protection – assessing significance.

One of the outcomes of recognising the significance of particular pieces of graffiti and street art is the urge to protect and conserve these pieces so that these values continue to be realised. We agree that the City should undertake conservation and preservation of graffiti and street art, where appropriate, in order to secure the identified benefits for particular stakeholders. However, physical preservation (see Box 9) with the aim of conserving graffiti and street art should not be seen as the necessary result of the recognition of significance.

Physical preservation changes the fundamental nature of graffiti and street art by making it a more static artwork. Rendering the artwork more static, by slowing down or stopping the decline or degradation of an artwork, is an important result of conservation/preservation. However, we feel the process of conserving or preserving graffiti and street art marks a conceptual and policy boundary between graffiti/street art and other forms of public art. We would suggest that for the purposes of producing a viable graffiti management policy, that graffiti and street art pieces that are subject to physical conservation be designated as a mural in order to differentiate these artworks from graffiti and street art, as well as from other more formally commissioned public artworks (see Figure 21). Doing so will help the Council to manage the way sites are recognised and protected.
Graffiti Practice: Graffiti and Street Art

<table>
<thead>
<tr>
<th>Illegal and unwanted</th>
<th>Permission walls</th>
<th>Legal Walls</th>
<th>Commissions</th>
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**Passive Protection via Graffiti and Street Art Register**

**Active Protection/Conservation**

Figure 21: The City of Sydney graffiti and street art protection continuum. This heuristic representation of the City of Sydney graffiti and street art policy continuum shows the differentiation of unwanted from wanted graffiti and street art, and the differentiation of forms of wanted graffiti and street art from murals, and shows how this relates to active and passive modes of protection. Note here that City commissions might fall into either category.

Making a distinction between graffiti and street art and murals has implications for the management of these sites. As we have noted, sanctioned pieces of graffiti and street art enjoy tacit or passive protection, which allows the graffiti/street art to stay in place until it is replaced by other graffiti and street art as a part of the normal operation of graffiti practice. One example of a particular graffiti style that enjoys passive protection in the City of Sydney is the elaborate productions that appear on the walls of businesses and residential properties (see Figures 22 and 23). Some of these sites represent examples of significant artworks that the local community or the City may consider important enough to conserve or protect.

When a piece of graffiti or street art is determined to be significant for the local community this may lead to calls for the artworks to be conserved or protected. When the City makes a decision to protect or conserve a piece of graffiti/street art this represents an act of active protection. Active protection involves investment from the council to interrupt the normal cycle of creation, contestation and destruction that is typical of the subcultural rhythms of graffiti and street art.

One of the key differences between the passive and active modes of protection of sites of graffiti and street art is the level of investment of resources on the part of the City. In the passive mode, the City acts as an enabler of sanctioned graffiti and street art, providing the governance context within which graffiti writers and street artists can negotiate directly with private property owners to produce graffiti and street art that can contribute to the distinctiveness of particular precincts in the City and help to build the communal identity of neighbourhoods. There is minimal direct resource investment in this passive mode. In fact, the shift in the role of the cleaning contractors from removal to site monitoring (see Recommendations 1, 2 and 3) may represent a net saving for the City as sanctioned graffiti is not removed.
In contrast, the active mode of protection involves specific investments - in the development of site-specific programs; in the conservation of artworks; in the development and application of plans of management of these protected sites. As such, it is important that the City mediates the number of sites that make the transition from passive to active protection.

We also note that the City’s role in active protection is complicated by questions of property and ownership. With regard to artworks on City property, the City is able to play a role in active protection without too much complication, should a particular work be deemed significant enough to warrant this. With regard to artworks not on City property, things are more complicated. In some cases, where the City negotiates access to private property for commissioned works (eg, during Streetware), this may involve an agreed allocation of roles and resources for maintenance, for a specified period. Any role of the City in active protection of work on private property would involve negotiated agreements with property owners and artists.

The shift from passive to active protection is based on a judgement of the significance of the artwork or site. As we have noted, management of graffiti and street art should be informed by an appreciation of the full range of values, both positive and negative, attributed to graffiti and street art. We recommend that the significance of the artwork or site should be determined by a Graffiti and Street Art Advisory Panel established for this purpose. The panel will determine the significance based on consideration of the full range of stakeholder valuations and the alignment with the City’s policy goals (see Section B6).

Recommendation 23.
The City should form a Graffiti and Street Art Advisory Group, to inform the further development and implementation of the City’s engagement with graffiti and street art. The Group, which will also be involved in determinations of the significance of graffiti and street art in the LGA, should include at least one active graffiti writer and one active street artist.
Figure 22: Map of graffiti and street art productions in the City of Sydney LGA. Productions are larger, high quality artworks that are typically the product of several writers/artists.
Figure 23: Productions of the walls of residential properties. These sanctioned production walls have been negotiated with the owners of the properties by graffiti crews. They are subject to passive protection and are ignored by the City contract cleaners. Top: Record #61 BCF crew, King St precinct. Bottom: DCA crew, King St.
Once an artwork or site is considered significant enough to warrant active management of the site or artwork, a plan of management will be developed and its designation on the Graffiti and Street Art Register will be updated to reflect this new status.

We have determined there are four ways of triggering the determination of significance:

- **Artist initiated**: for example, when an artist wishes to seek support from the City to maintain an artwork that they believe contributes to the quality of life in a particular neighbourhood;
- **Owner initiated**: for example, when a property owner wishes to seek support from the City to conserve or otherwise protect an artwork. Alternatively, a property owner may wish the support of the City to manage tagging on a site that is being curated by the owner;
- **Citizen initiated**: for example, when a group of residents wish to see the protection or conservation of a particular artwork that has some become a significant part of the fabric of the community; and,
- **City initiated**: for example, when a wall owned by the City is considered a suitable site for the implementation of a legal wall program, or when a site is identified by the City for a rolling program of graffiti or street art murals.

These examples are not exhaustive, but do provide an insight into the possible ways a claim for consideration of significance may be initiated. In the first three cases, the onus falls on the artist/owner/citizen to provide an argument to support the claim for significance. An important consideration is the existence of prior agreements between the property owner and the artist/s. The owner has primary rights over their own property, but there should also be some consideration of the moral rights of the artist (see Box 16). For example, a citizen-initiated claim would need the minimum support of the owner, and would ideally (although not necessarily) involve consideration of the desires of the artist/s.

### C5.3 The City’s role in Maintenance of Graffiti and Street Art

The City currently requires artists to provide a maintenance program for proposed public artworks as a part of the public art approval process. The cost and scheduling of maintenance is then considered as a part of the approval of the artwork. The costs involved in maintenance of public art can significantly increase the overall cost across the life of the artwork. The assumption of maintenance also places an ongoing burden on council processes. As such, maintenance of public art becomes an important consideration in the approval processes for public art in the City.

We propose that the unique nature of graffiti and street art means that the normal requirements for maintenance do not apply. As graffiti and street art are by definition ephemeral, these temporary artworks should not be subject to the expectations of maintenance that are appropriate for other forms of public art. The City of Sydney Graffiti and Street Art Register will be limited to works defined as graffiti and street art. As such, inclusion on the Register will be no guarantee of maintenance of the artwork, either by the artist, the building owner or the City.

Maintenance may still be performed on a piece of graffiti or street art approved for the Register, for example, by the artist. Maintenance is a limited process, involving actions like removing or painting over tags on a piece to maintain its integrity. It is independent of considerations of the significance of the artwork and does not change the status of the piece as an ephemeral artwork. This is distinct from processes of
conservation, whereby the piece of graffiti or street art is conserved because it has been deemed of particular significance and leads to a change of status from graffiti/street art to mural on the Register.

**C5.4 The City’s role in Conservation**

Unlike routine maintenance of an artwork, conservation is a process that is tied to the artworks' significance. The City currently plays a role in the conservation of certain cases of significant graffiti and street art in the LGA. The process of selection for conservation takes place on a case-by-case basis and may be reactive (initiated by residents, the owner, and/or the artist/s) or proactive (Council-led). Council officers note with some concern that the success of citizen-led, artist-led and owner-led claims for some form of protection of particular pieces of graffiti or street art informs an expectation among residents and writers/artists that the City should be responsible for the conservation of all graffiti and street art determined to be of significance to its particular local context. However, we feel that a program where recognition of significance necessarily leads to conservation is undesirable. Such a program would be a drain on City resources and would tend to 'lock-up' significant sites, which is not in the spirit of a dynamic program of graffiti and street art management.

Inclusion on the City of Sydney Graffiti and Street Art Register will not 'lock up' spaces by validating claims for conservation. Instead inclusion on the Register forms a passive mode of protection where the City recognises the right of the artwork to be present – not preserved. Under this passive mode of protection the City plays no role in securing the artwork either through maintenance or conservation. That is, a piece of graffiti or street art, recognised by its inclusion on the Register, remains an ephemeral artwork.

We suggest that determinations of conservation status should be formalised as a process that includes consideration of costs of maintenance and other processes typically associated with approving public art. Options for conservation include in-situ preservation processes, such as physical conservation, or may involve the production of other media to acknowledge the presence of a significant piece of artwork, including digital preservation, the production of books, or commemoration. Only physical conservation leads to the automatic change of status from graffiti and street art to mural on the Register. Alternatives to physical conservation may be implemented (see Box 15) in order to maintain the status of the artwork as graffiti and street art under City policies.

**Box 15: Different forms of conservation**

Art conservation involves processes of evaluation, restoration, protection and recording. The City actively conserves public artworks in the LGA. For the purposes of dealing with graffiti and street art it is useful to separate conservation processes into physical and non-physical conservation processes.

**Physical conservation**

Physical conservation includes attempts to restore artworks to their original state, or to protect or stabilise artworks against further deterioration. Physical conservation disrupts the ephemeral nature of the artwork. For graffiti and street art these processes might include getting the original artist to repaint sections of an artwork, and to secure the artwork in some way from damage by other graffiti writers and taggers.
One example of an attempt to conserve graffiti and street art that has been at least partially successful can be found in Miller, in the Liverpool LGA. The Miller Street Art Gallery, an initiative of Liverpool Council aimed at revitalising public space adjacent to the Miller shopping precinct, included two graffiti mural works that were protected from damage by the application of a protective coating, which acts as a sacrificial layer. The sacrificial coating allows tags and other damage to be removed from the artworks without causing damage, and reduces fading due to sun exposure (see Figures 24 and 25).

![Figure 24](image_url)

Figure 24: Example of graffiti by PEQUE and SWAYZE protected by sacrificial coating in Miller Street Art Gallery, Liverpool LGA. Photo: Cameron McAuliffe.

![Figure 25](image_url)

Figure 25: These graffiti tags were removed from the underlying graffiti mural, which was protected by a sacrificial coating (Miller Street Art Gallery, Liverpool LGA). Photo: Cameron McAuliffe.

Sacrificial coatings, originally designed to protect walls from graffiti, have been used in a number of places to ‘fix’ or ‘stabilise’ aerosol graffiti murals. These coatings prolong the life of artworks, but are expensive and may need to be reapplied when damage occurs.
Another option for physical conservation is the use of Perspex or plastic covers. The limited effect of these interventions can be highlighted by a Melbourne example, where a stencil by Banksy, the ‘Little Diver’, was deemed to be significant due to the high regard in which Banksy’s work is held, and the price it commands in contemporary art markets. Shortly after the artwork was placed under Perspex it was irreparably damaged by somebody who poured silver paint behind the cover and over the artwork.

Non-physical conservation

In contrast to physical practices of conservation, non-physical conservation processes do not interrupt the processes of degradation that artworks are undergoing, but instead aims to document the status of the artwork. Relevant processes of non-physical conservation include digital conservation, publications of books and processes of memorialisation or commemoration that may in-turn conserve artworks.

Digital conservation might involve the collection of digital images of an artwork at a particular time in order to preserve the artwork. These images may be published on the Internet or in other media, such as in book publications, for the purpose of documenting and conserving the artworks.

One innovative approach to preservation that will help to avoid some of the difficulties outlined in the physical preservation of urban art is what we have termed the ‘graffiti archaeology’ approach, where digital images are collected and collated to produce a visual narrative of the changing character of a particular artwork or site.

One advantage of this type of digital preservation of artworks in particular locations is that it can capture the ‘living heritage’ and form a ‘living register of significant works/sites’. Such a register may be used to produce evolving street art tours of the City of Sydney, that link up sites of significance into networks as they change, appear and disappear. This would help to communicate the support for the ongoing recognition of the value of graffiti and street art, without tying particular sites down as ‘permanent’ displays of mural art.

Given the nature of graffiti and street art, any decision to support conservation of an artwork should remain provisional as the significance of an artwork can change over time. Even where physical conservation has taken place and the work has been redefined as a mural on the Register, the significance of the work remains tied to graffiti practice. As urban artworks drawing on graffiti practice they remain dynamic sites subject to possible changes in their significance.

Any changes in the conditions that led to the granting of support for conservation, for example, if the building owner wishes to remove an artwork in order to sell their property, or an artist wishes to make changes to an established artwork, should be assessed by the Graffiti and Street Art Advisory Panel and Public Art Coordinator to determine if conservation should continue.

As a condition of conservation, the owner of the property and the artist/s should receive some form of communication that details the City’s role and notifies these stakeholders that any changes that may affect the artwork should be communicated to the City to allow review and to ensure adequate measures are taken to record the site prior to changes taking place.
Digital conservation of graffiti and street art represents an opportunity for strategic innovation for the City. Such a system may draw on existing data collection processes in place in the City (e.g., the data already collected by Rangers and the contracted removal staff, which is routinely stored by the City), and augment this with ‘crowd-sourced’ data provided by graffiti writers, street artists, residents, visitors and tourists, who already photograph graffiti and street art for their own purposes. A crowd-sourced digital archive of significant sites of street art and graffiti would therefore draw on data already being collected, and would present an important way of not only recording these ephemeral sites, but could also play an important role in the management of street art and graffiti sites in the City. This approach also potentially contributes to the resolution of disagreements about pieces of graffiti and street art (see Section C6, below).

**Box 16: The Moral Rights of the Artist**

One important consideration for the City regarding the conservation of graffiti or street art is the moral rights of the artist. Moral rights were introduced to the Copyright Act via amendment in 2000 in order to provide protections for authors, performers and artists irrespective of any economic interest in their creation.

Under the Copyright Act (2000) there are three types of legal moral rights that arise automatically:

- Right of attribution of authorship,
- Right not to have authorship falsely attributed, and,
- Right of integrity of authorship.

The first two moral rights are particularly relevant for processes that might reproduce graffiti and street art without appropriate recognition of the author. For example, in the reproduction of a piece of graffiti on a t-shirt or in a book, which is then sold for profit without the authorisation or attribution of the graffiti writer.

The third moral right includes protections against “material distortion of, the destruction or mutilation of, or a material alteration to, the work that is prejudicial to the author’s honour or reputation.”

In the first instance, this part of the Act appears to place a burden on the City to uphold the moral rights of graffiti writers and street artists to ensure the integrity of sanctioned graffiti and street art.

However, these moral rights are subject to two relevant limitations. Firstly, an artist can consent to actions that would otherwise infringe moral rights; and, secondly, the attribution of moral rights is subject to the defence of reasonableness. That is, no moral rights infringement occurs regarding author attribution or derogatory treatment of the artwork if it is reasonable to do so. In the case of graffiti and street art, the ephemeral nature of graffiti practice is a defence against claims for the ongoing maintenance of an artwork that has been recognised by the City by inclusion on a Graffiti and Street Art Register (c.f. Sec 195AS 2a). Further, the distinctive subcultural practices of graffiti writers and street artists include contestation over sites and artworks that result in the periodic destruction, defacement and alteration of works. That is, it is normal in graffiti subculture for graffiti and street art to be sometimes defaced or covered over by other graffiti and street art. And these practices routinely impact on the honour and reputation of graffiti writers and street artists. As such it is not reasonable to expect the City to protect graffiti and street art from these subcultural practices (c.f. Sec 195AS 2e).

105 (Copyright Act, 2000, Division 4 Section 195AK).
It is our opinion, based purely on our reading of the legislation, that as long as the City recognises graffiti and street art as ephemeral and involving particular practices distinctive to graffiti and street art subcultures, then the City has no obligation to protect the artworks based on the application of the moral rights of authorship and integrity.

When a piece of graffiti or street art is considered for active protection through conservation based on the significance of the artwork it changes the nature of the work and distances the work from graffiti subcultural practices. As such, physically conserving particular pieces of graffiti or street art may open up claims for consideration of the moral rights of the artist regarding correct attribution and protection from derogatory treatment.

Regarding the moral rights of graffiti writers and street artists, irrespective of whether the City treats the instance of graffiti or street art as illegal and subject to removal, or as a legitimate piece of graffiti or street art occurring in an approved location, or as a significant piece of graffiti or street art that should be conserved, and thus designated as a mural, the building owner retains the right to change, relocate, demolish or destroy the building. Where moral rights are deemed to exist, say in the conservation of murals, then the building owner may consider providing suitable notice to the artist and possibly providing access to the artist in order to allow them to make a record of the work, and/or consult in good faith on the impacts of the change/relocation/demolition/destruction on the work. It is beyond the scope of this Report to determine the full ramifications of conservation on the moral rights of the artist. As such, the City may wish to pursue this line of enquiry.

C5.5 Recommendations on the protection and conservation of graffiti and street art

Graffiti and street art is ephemeral by definition. So when should the City be involved in protecting it through processes like maintenance and conservation? Making a distinction between sanctioned graffiti and street art, where the City takes a passive approach to protection, and murals, where the City is more active, helps clarify the role of the City as an enabler and manager of graffiti and street art.

Recommendation 24
When the Graffiti and Street Art Advisory Group considers requests for the protection and/or conservation of graffiti and street art, it should consider a range of measures from physical measures such as coatings and active conservation to non-physical measures such as documentation in digital or document form.

Recommendation 25
Physical conservation should only be considered in works determined to be of extremely high significance. Artworks that are subject to physical conservation should be designated as a mural in order to differentiate these artworks from graffiti and street art, as well as from other more formally commissioned public artwork.
Recommendation 26

The City should implement two modes of protection of sanctioned graffiti and street art:

a) a passive mode of protection, where the City provides tacit support for graffiti and street art that is the product of negotiated agreements between property owners, artist/s, and other stakeholders from the community, and;

b) an active mode of protection, which applies to murals and City commissions, and reflects an investment of resources in the operation of the site and maintenance and conservation of the artwork.
C6. Managing disagreement about graffiti and street art

In this section we will discuss the persistent nature of contestations over the presence of graffiti and street art, and how the City might be able to foster a more productive set of practices that can be used when inevitable disagreements arise.

C6.1 Existing practice in response to ‘complaints’

Many of the current legislative and policy approaches to graffiti in Australia, and other nations investigated as a part of this research, are based on the assumption that ‘the community hates graffiti’, an idea that is often enshrined in zero tolerance policies. Assuming that the community hates graffiti presents a single uncontested view. In NSW, this view underpins the legal framing of graffiti and street art discussed in Section A1.4, and informs some of the “ordinances, writs and statutes of the legislated city”106 we discussed earlier in Section C4.3.

Whilst the City no longer conforms to zero tolerance graffiti management, there remain some structural remnants of this approach. These policy remnants limit the ways the City can currently respond to disagreements about the value of wanted sites and artworks. One example of a remnant approach where improvements may be achieved is the management of ‘complaints’. As noted in Section C1.1, notifications by the public of graffiti and street art are received through:

- reports to the City’s Neighbourhood Service Centres;
- reports to the City’s online notification system;
- calls to the City’s Call Centre;
- calls to the State Government’s graffiti hotline, which are passed on to the City where the report concerns graffiti within the LGA.

Incoming notifications are entered onto the Pathways system by Call Centre staff. When they receive a notification, Call Centre staff conduct a preliminary investigation in order to assign responsibility for the new Pathways entry. As relayed to us, the bulk of notifications are allocated to the Project Manager, Cleansing and Waste for removal. It has become usual for notifications of graffiti and street art to be allocated to Cleansing and Waste. Call Centre staff play “a reporting role” where they “take information from the public and pass it on through to our guys to do the cleansing”. Thus the decision-making role is minimised with all graffiti notifications framed as ‘complaints’ with the normal response from the City being to clean it off as quickly as possible. Normalising notifications from the public as complaints through the entry on the Pathways system forecloses informed decision-making, limiting the value of the particular instance of graffiti and street art to a singular negative view.

In part, the fact that complaints dominate Call Centre graffiti and street art notifications is the result of the structure of the reporting channels open to the public. These channels facilitate the zero tolerance legal valuation of graffiti and street art, extolling an assumed whole-of-community position that graffiti and street art has no value and should be removed. For example, the NSW State Government funded ‘Graffiti Hotline’,

106 Young, Street Art, Public City: Law, Crime and the Urban Imagination.
which feeds complaints into the City’s Call Centre, explicitly targets graffiti and street art as a ‘problem’ to be solved through removal. As the Hotline website states, “After receiving a report, hotline operators quickly send the information to the government agency or local council responsible for the clean up”\textsuperscript{107}. The hotline is a tool built on the assumption that the community’s sole desire is for removal.

While it is important that residents and other members of the public have a means to alert council to their concerns about the presence of unwanted graffiti and street art, in their current form, these processes tend to preclude alternate valuations of graffiti and street art and fail to recognise the presence of sanctioned graffiti and street art. As we detailed throughout this report, it is important to move beyond a single framing of graffiti and street art in order to understand the way a piece of graffiti/street art contributes to the liveability of a particular community or neighbourhood.

\textbf{C6.2 Rethinking the current approach: democratising disagreement about graffiti and street art}

At present, one astute complainant is all that is needed to trigger the removal of a piece of graffiti or street art, and this can happen irrespective of the context of its creation or the possible value that the artwork may have for a range of different stakeholders in a community.

It is our contention that a single complaint\textsuperscript{108} should not automatically lead to the removal of a piece of graffiti or street art. Rather, it should lead to a decision process designed to evaluate whether a piece of graffiti or street art should be removed, whether it might be included on the City of Sydney Graffiti and Street Art Register, whether changes to the artwork might alleviate the concern of stakeholders, or whether it might even be important to actively protect and/or conserve the work in some way. In this we are guided in part by the City’s new approach to contestations between residents and existing music venues, detailed in its Live Music Matters action plan\textsuperscript{109}, where the process of mediation recognises the legitimacy of different positions in the argument over the ongoing presence of music venues in the City. In a similar way, the graffiti management processes in the City would benefit from formalising processes that recognise the different ways graffiti and street art are valued in order to better determine the contribution of particular sites and artworks in their community context.

We believe that disagreement about the contribution of graffiti and street art to particular places is normal. The political theorist, Chantal Mouffe (see Box 17), holds that it is normal for people to have entrenched differences of opinion that sometimes produce antagonistic positions that cannot be reconciled\textsuperscript{110}. Mouffe suggests the best way to deal with these antagonisms is not to try to seek consensus, but to transform a

\textsuperscript{108} We are assuming here that the complainant does not own the property on which the graffiti appears. As noted throughout this report, the owner of a property retains the right to seek removal of unauthorised graffiti/street art.
\textsuperscript{110} Chantal Mouffe, Agonistics: Thinking the World Politically(London: Verso, 2013).
disabling antagonism into functioning agonistic engagement; one that recognises the persistence of different viewpoints in decisions about places.\textsuperscript{111}

\textbf{Box 17: Community Engagement: Consensus or Agonism?}

The principles of community engagement have been entrenched at the local government level in NSW through the Integrated Planning and Reporting framework (2009). The changes, focused mainly on the planning functions of local government, have helped to bring processes of community consultation into sharper focus across the different functions of local government.

Community engagement has been heavily influenced by theories of deliberative democracy associated with the work of political theorists including John Rawls, Jurgen Habermas and Selya Benhabib. A central element of deliberative forms of democratic engagement is a focus on consensus. Deliberative democratic approaches have been influential in the new Integrated Planning and Reporting (IP&R) framework in NSW. The International Association for Public Participation (IAP2) Spectrum, which is used as a guide for local government in the IP&R framework, is influenced by deliberative democratic ideals. Hence, notions of consensus have been making inroads into the community engagement processes in councils in NSW.

An alternate to deliberative democratic approaches has been put forward by Chantal Mouffe, based on her earlier work with Ernesto Laclau.\textsuperscript{112} This alternative, which she calls agonistic pluralism, claims that the desire for consensus at the centre of rational liberalism cannot be achieved because of the persistence of fundamental differences in politics. From these fundamental differences stems the ever-present opportunity for antagonism. The presence of antagonisms reveals “the very limit of rational consensus”\textsuperscript{113}. For Mouffe, “a well-functioning democracy calls for a confrontation of democratic positions”\textsuperscript{114}. The object of her politics is the transformation of antagonism (the struggle between enemies) to agonism (the struggle between adversaries). The adversary is:

“the opponent with whom one shares a common allegiance to the democratic principles of ‘liberty and equality for all’, while disagreeing about their interpretation. Adversaries fight against each other because they want their interpretations of the principles to become hegemonic, but they do not put into question the legitimacy of their opponent’s right to fight for the victory of their position. This confrontation between adversaries is what constitutes the ‘agonistic struggle’ that is the very condition of a vibrant democracy.”\textsuperscript{115}

This model of engagement is particularly well suited to the case of graffiti and street art. Art is a contested realm. Its value does not derive from it being liked by everyone, but in the possibilities for thinking about different ways art might contribute to the way we think about society and the people and places around us. It is normal for the contribution of art to be understood in fundamentally different ways, and in the case of graffiti and street art, the presence of antagonistic positions is readily apparent.

\textsuperscript{111} Ibid.
\textsuperscript{113} Mouffe, \textit{Agonistics: Thinking the World Politically}, p. 3
\textsuperscript{114} Ibid., p. 5
\textsuperscript{115} Ibid., p. 7
As such, when judging the value of art (either in a gallery, or on the street) we should not set the expectation that all people will like a particular artwork. Rather, it is more appropriate to think of the ways an artwork might contribute to the way different people understand their place in the city. This may be the way to transform the antagonisms that are present in the disagreements about the contribution of graffiti and street art to a sense of place, into more productive agonistic relations.

C6.3 Including disagreement in City processes

Disagreements in the form of notifications from the public have the potential to contribute to ongoing discussions of the significance of sites and artworks. For disagreements about graffiti and street art to be adequately considered, policies and protocols need to account for more than a single view; they need to reflect the range of relevant viewpoints. In addition to having a route for ‘complaints’, residents and the public need pathways that allow them to express their support for particular pieces of graffiti and street art, as well as ways residents with potential sites might connect with graffiti writers and street artists.

A system that accounts for this wider range of perspectives operates as more than a ‘complaints’ mechanism. By taking into account the different voices that present their valuation of a site or piece of graffiti or street art, it is possible to activate a more democratic politics of place. As such we recommend that complaints be considered alongside other views as ‘stakeholder contributions’. When a complaint is received about a piece of graffiti or street art, it should not be automatically assumed to be representative of ‘the community’, because ‘the community’ does not have a uniform negative attitude towards graffiti and street art. Rather, a complaint should be repositioned as one stakeholder among many in the ongoing management of graffiti and street art in Sydney.

To do this, we recommend that the City review the way in which public reporting of graffiti and street art is collected, processed and represented. We suggest the City develop processes that better reflect the broad range of values and the different stakeholders involved in the assessment of the contribution of instances of graffiti and street art. In particular, we support development of new approaches that allow members of the public to voice their support for different pieces of graffiti and street art.

The new approach suggested here relies on two main areas of policy and program reform. The first involves rethinking the way the community interfaces with the City about graffiti and street art to better capture all stakeholder perspectives. One possibility would be to develop a mobile ‘app’ that allows people to contribute their opinions of graffiti and street art. By focusing on the collection and collation of all stakeholder’s attitudes, new communication channels will ensure a broader range of valuations are used in decision-making processes.

The second area of reform would involve establishing new paths of response to account for the full range of stakeholder contributions. At present Call Centre staff are not substantively involved in the initial decision when a resident ‘complains’, but act instead as a conduit, forwarding the complaint for removal. We recommend Call Centre staff take a more active role undertaking an initial ‘triage’ of the new stakeholder contribution before allocating it via Pathways to one of three channels for action:
1. Assessment for possible removal

If the site IS NOT recorded on the City of Sydney Graffiti and Street Art Register as a sanctioned site, a Pathways entry is generated and directed to Cleansing and Waste staff for action. Contract cleaning staff will then undertake an appraisal of the instance of graffiti/street art as a part of their regular patrols. Their appraisal will result in either removal or, where the contractor determines possible alternate valuations, delivery of a standard notification to the property owner (as per the process set out in Sections C1 and C4 above). This notice would detail the procedure for entering an artwork on the Graffiti and Street Art Register, as well as providing information to expedite the removal should the property owner desire.

2. Notification of existing stakeholders

If the site IS recorded as a sanctioned site on the Register, the Call Centre staff member informs the new stakeholder of the nature of the approval that is in place for the piece of graffiti/street art. At this point the content of the stakeholder contribution is recorded for consideration in the ongoing management of the site. All relevant stakeholders should have access to this data, possibly via an online forum, to better inform the ongoing status of graffiti and street art at the site. If appropriate, the Call Centre staff will provide the new stakeholder with references to further information about the graffiti and street art policies of the City of Sydney, including information about the approvals process and associated forms.

3. Initiating City engagement processes

In cases where sanctioned works generate numerous ‘complaints’, the City should then initiate a formal process of stakeholder engagement in which the status of the work will be reviewed. In order to limit vexatious claims made by individual stakeholders that seek to overturn agreements that stand between a property owner and the artist/s, the new stakeholder will need to mobilise a set minimum number of claimants\(^{116}\) in support of their position in order to meet the threshold for the City to initiate a Graffiti and Street Art Engagement Session aimed at reviewing the values associated with the site/artwork.

The Call Centre staff member will initiate a Pathways entry associated with this stakeholder interaction and send it through to the Public Art Coordinator. Where the set minimum threshold of claimants has been met, the Public Art Coordinator will oversee the initiation of the Engagement Session and organise the appropriate resources for the session. The Public Art Coordinator will also notify the Graffiti and Street Art Advisory Panel (GSAAP) who will review the engagement process and provide input for the final determination.

Following the engagement process and review by the GSAAP, the Public Art Coordinator will make a determination on the future of the site/artwork and communicate this to all the named stakeholders prior to closing the Pathways entry.

This new process will have the benefit of reducing the Pathways case load sent to Cleansing and Waste from the Call Centre, as well as creating a more robust determination of the values being held by the various

\(^{116}\) The minimum number required to trigger this process is somewhat arbitrary and should represent a threshold to restrict vexatious claims by individuals that risk tying up Council resources.
Stakeholders. It also clarifies the role of the Public Art Coordinator and provides a role for the proposed Graffiti and Street Art Advisory Panel. Finally, it provides the platform for the City to take the role as enabler of an agonistic community-led engagement process, supported by a more formal process where the City facilitates the engagement directly if needed. Setting a threshold between these two processes should ensure the most efficient use of City resources in order to achieve the most desirable outcome that takes into account the various ways a site of graffiti and street art is valued in the community.

C6.4 Recommendations about the role of the City of Sydney in mediating disagreements about graffiti and street art

Contestations over the presence of graffiti and street art are normal. At any one time there are a range of opinions over the contribution of graffiti and street art to local communities and the strategic goals of the City. Yet the processes for dealing with disagreements about graffiti and street art privilege a negative view. As discussed above, the City should reform the remnants of systems that assume the community has only one view of graffiti and street art to better reflect the ongoing assessment of the impact and contribution of graffiti and street art to the City’s communities.

In particular, the City should consider rethinking the system for managing input from the community, by rethinking ‘complaints’ as contributions from one stakeholder in an ongoing negotiation of the role of arts in the community, and by better targeting these contributions by sometimes directly them to new citizen-led engagement forums.

Recommendation 27.
The City should reconfigure the way complaints about graffiti and street art are processed as a part of a reconceptualisation of the ‘complaint’ as a ‘stakeholder contribution’. This is in line with a revised view of contestations over graffiti and street art in public space that frames disagreement as normal, and frames citizen ‘complaints’ as another stakeholders perspective on the presence of graffiti and street art in the public spaces of the City.
Recommendation 28.
The City should establish new protocols to process contestations over sanctioned graffiti and street art that reconfigure 'complaints' received by the Call Centre as 'stakeholder contributions', and redirect them towards either:

a) Assessment for possible removal, in the case of unsanctioned graffiti and street art;

b) Notification of existing stakeholders, in the case of sanctioned graffiti and street art, and;

c) Initiation of City engagement processes, in cases were contestations over a sanctioned piece of graffiti or street art reaches a threshold of 10 claimants in support of a review.

In the case of c) occurring, a Graffiti and Street Art Engagement Sessions will be convened with input from the Public Art Program Manager and the Graffiti and Street Art Advisory Panel.

Recommendation 29.
The City should establish protocols for Graffiti and Street Art Engagement Sessions based on an evaluation of the significance of a piece of contested graffiti or street art, which is in turn based on the valuations of the identified stakeholders, and a review of the alignment of the sanctioned site or artwork with the City’s strategic objectives.

Recommendation 30.
The City should develop and trial an Online Stakeholder Forum to enable confidential stakeholder engagement processes aimed at community-led resolution of concerns about sanctioned graffiti and street art.

Recommendation 31.
The City should initiate research into the development of mobile applications that can interface with the City of Sydney Graffiti and Street Art Register in order to enable the community to comment on works and upload images. The data collected via this application should be used in the management of sanctioned sites and artworks and in managing disagreement about particular works if/when it arises.
C7. Leading the discussion on graffiti and street art

The City can influence the local politics of graffiti and street art, both through policy and by communicating their approach to graffiti and street art. For the residents of the LGA, and other stakeholders involved, such as graffiti writers and street artists, business owners and developers, as well as visitors to the LGA, the position the council takes on graffiti and street art is a strong contributor to the way graffiti and street art is understood at the local level. In this way, we see the City playing a central leadership role that not only recognises the value of graffiti, but leads the public discussion on the different ways graffiti and street art might contribute to urban placemaking.

The City of Sydney has an important leadership role to play in educating residents and visitors to the City about the place of different forms of graffiti and street art in the City. In this respect, it is important that the City’s public statements on the subject are clear and accurate.

These recommendations made so far suggest that the City’s existing Policy on Graffiti Management will need to be substantially revised. The current policy considers the City’s responsibilities in managing graffiti on its own assets, and responding to illegal graffiti on private property within the LGA. This focus is too narrow. Based on the preceding analysis, we argue here the City needs to reformulate the nature of its engagement with graffiti and street art beyond the narrow focus on removal and the commissioning of new work on City assets. As argued in Section A, the City’s current policy includes definitions of ‘graffiti’ and ‘street art’ that incorrectly link graffiti with illegality and street art with legality. Not only is this inaccurate, but these definitions are inconsistent with the aims of the City in enabling and commissioning forms of graffiti and street art that can align with wider policy and planning objectives. Further, they have the potential to alienate graffiti writers and street artists who have a desire to work with the City.

Recommendation 32.
The City’s public policy statement on graffiti and street art should be revised, in order to:

a) reflect the City’s multiple engagements with graffiti and street art;
b) remove the association of ‘graffiti’ with illegality and ‘street art’ with legality, and;
c) reflect the definition of graffiti and street art developed in the report.

Recommendation 33.
The City should update and combine its current Graffiti Management Policy and Interim Aerosol Art Guidelines to reflect the recommendations of this report, including:

a) A revision of the definition of graffiti and street art;
b) An outline of processes for recognition and management of sanctioned graffiti and street art;
c) A reformulation of removal processes to focus on unwanted graffiti and street art, and;
d) The incorporation of the full range of values associated with graffiti and street art in assessment processes.
Recommendation 34.
The City should incorporate a series of short-term trials, 6 months to 1 year in duration, in order to test the innovative methods in this report. These trials will be incorporated into the new Mural, Graffiti and Street Art Management Plan. A review and reporting phase will take place at the end of the trials and form the central quality control mechanism for the policy.

Recommendation 35
The City should lobby the NSW Government to reform aspects of the Graffiti Control Act that impact upon its ability to implement policies in response to recommendations in this report.
C8. Evaluating policy responses to graffiti and street art

This report advocates a range of new systems to support a new approach to graffiti and street art in the City of Sydney. To ensure the development of quality policy interventions in this arena it is important that the City invests in appropriate evaluation and research, which should be built-in to the new graffiti and street art management systems.

Recommendation 36.
The City should develop a digital repository that aggregates visual data collected by City staff, contractors, residents, writers/artists, tourists and other stakeholders. This digital repository will provide a dynamic evidence base for use in the management of sanctioned graffiti and street art. It will also provide the opportunity to generate dynamic wayfinding pathways that connect significant sites of graffiti and street art, accessible via a participatory public web interface.

In order to gain a better understanding of the way style and location impacts the value different stakeholders attribute to graffiti and street art we feel that the City should pursue further research into community attitudes to graffiti and street art. Systematic research into the way style and location in the City of Sydney influences the valuations of different stakeholders will build the capacity of the City to manage significant sites of graffiti and street art by providing the evidence base to make informed decisions about graffiti and street art that better reflect the values attributed by different stakeholders and thus the significance of these artworks to their local communities.

Recommendation 37.
The City should support research into community attitudes to graffiti and street art in order to better understand the different values associated with different styles and locations of graffiti and street art.
C9. Conclusion: the roles of the City of Sydney in responding to graffiti and street art

In this section of the report, we have identified and discussed a range of quite specific policy problems in relation to graffiti and street art faced by the City of Sydney. In particular, we have traced through the implications of the analysis of graffiti and street art in Sections A and B, which noted that the City faces a complex set of policy problems relating to the placement of graffiti and street art in the outdoor media landscape beyond simple ‘eradication’.

In summing up this discussion of the different policy problems identified by our research, we think it is useful to identify a range of roles that the City of Sydney is already playing in relation to graffiti and street art, and roles that it might play more effectively. The City:

- directs and resources the **removal** of some forms of graffiti and street art that are considered to be ‘unwanted’ in the urban environment;
- **commissions** some forms of graffiti and street art that are considered to add character and visual appeal to the urban environment;
- **maintains, protects and documents** some forms of graffiti and street art that have become valued works for specific local and/or metropolitan communities;
- **mediates disagreements** over the place of graffiti and street art in particular locations within the LGA through planning assessment processes.

In each of these areas, we have identified the need for clarification and/or further development of how the City enacts these roles. Further, we have also argued that the City could play a more active role in:

- **enabling citizen-initiated graffiti and street art** in some instances, in line with broad policy objectives about urban design, creativity and community engagement;
- **leading public debate** in its public statements about the place of different forms of graffiti and street art in the City;
- **evaluating** its efforts in this policy domain.
References


McLeod, Caroline. *Street Art and Graffiti in May Lane and Surrounding Areas St Peters*. Marrickville: Report to Marrickville Council Services Committee Meeting 9 November, S1110 Item 2, 2010.


Appendix 1: Decision flowchart for graffiti and street art
Appendix 2: Recommendations

These recommendations are grouped according to the different roles we believe the City of Sydney should play in relation to the management of graffiti and street art: removing, making space, commissioning, enabling, protecting and conserving, leading the debate, and evaluating its efforts.

Removing unwanted graffiti and street art

Recommendation 1.
If the City continues to use its powers under the Graffiti Control Act 2008 to remove graffiti and street art from private property through the contracting of graffiti removal services, it should focus on removing unwanted graffiti and street art. In determining what is ‘wanted’ and ‘unwanted’, the City should be informed by its strategic priorities, and should give communities and property occupants a voice in defining what wanted and unwanted in their neighbourhoods.

Recommendation 2.
The City’s roles in removing, commissioning and enabling different forms of graffiti and street art should be underpinned by a ‘mapping’ of sites through the construction of a new City of Sydney Graffiti and Street Art Register. This should include all sanctioned works in the LGA, including those with formal Development Approval, as well as ‘permission works’, legal walls and murals. For permission works on private property, the minimum threshold for inclusion on the register is that the artwork or site is the product of an agreement between the owner of the property and the artist/s involved.

Recommendation 3.
The City should consider expanding the role of the graffiti removal contract to include monitoring of approved sites on the Graffiti and Street Art Register. To reflect this new expanded role, we recommend the graffiti removal contractors be renamed graffiti management contractors (or some other appropriate name recognising the ‘curatorial’ role of the contractors).

Recommendation 4.
When the City tenders for Graffiti Removal Services, applicants should be required to demonstrate both an understanding of the diverse forms of graffiti and street art that are present in the City, and quality assurance processes to ensure that all employees of the applicant will be appropriately trained to recognise this diversity and how it relates to the policy objectives of the City.
Appendices

Recommendation 5.
Where Graffiti Removal Services contractors determine that a new piece of graffiti or street art may have value to the community or conforms to the strategic goals of the City, they should provide the property occupier/owner with an opportunity to indicate whether they wish to keep the piece or have it removed. This should include information about how to have the work included on the City of Sydney Graffiti and Street Art Register, and specify a reasonable timeframe for response.

Recommendation 6.
Where a property owner does not respond to a notification from the contractor, the work should then be referred to the Public Art Program Manager for a final determination. Decisions made by the Public Art Program Manager on such cases should be documented and regularly reviewed by the Graffiti and Street Art Advisory Panel (see Recommendation 17).

Recommendation 7.
The City should initiate a trial of inviting community comment on unsanctioned works whose status is being considered by the City, through an interactive web/social media platform.

Recommendation 8.
The City should recognise precincts defined as ‘character areas’, where graffiti and street art practices are a more important component of the local precinct identity. The City should review the current schedule of removal for the LGA to ensure it incorporates designated character areas. The City should establish protocols for the removal of graffiti and street art in character areas in recognition of the values of graffiti and street art to these precincts.

Making space for legal graffiti and street art

Recommendation 9.
The City should establish a network of legal walls in the LGA. Where possible, each legal wall should be ‘curated’ in collaboration with existing service providers (such as youth services). Clear information about the location of legal walls and the expectations about what is permissible should be made available through the City website and service providers. A trial of legal walls should be initiated as a part of this program to investigate the relative merits of curated versus non-curated sites.

Recommendation 10.
The City should offer legal graffiti and street art programs through existing Community Service Providers. These programs should provide participants with access to professional and experienced graffiti writers and street artists, and should provide clear pathways to other useful services such as health and education.
Commissioning high quality graffiti and street art

Recommendation 11.
The City should continue to commission high quality graffiti and street art through programs such as Streetware.

Recommendation 12.
The City should actively minimise the barriers to participation in its commissioned graffiti and street art programs, by reviewing and where possible minimising eligibility criteria that do not relate directly to artistic skill and the quality of proposed works.

Recommendation 13.
Where temporary development applications are sought to ‘unlock’ spaces for such commissioned works, they should be sought for permitted graffiti and street art more generically, rather than for specific pre-defined works. This would enable owners of those spaces to enter into permission arrangements with other artists once the event has concluded.

Recommendation 14.
The City should continue to submit formal Development Applications as required when it seeks to use Council assets for commissioned graffiti and street art. In line with approvals for advertising in the City, the DA should relate to the site as a location of sanctioned graffiti and street art, rather than a specific artwork. This will enable the use of the site beyond the life of the initial commission and DA.

Enabling occupants/owners to enter into permission arrangements for graffiti and street art

Recommendation 15.
The City should modify its Policy for the Design of Construction Hoardings to enable:
   a) developers to apply for the use of hoardings as a site for permitted graffiti and street art (as distinct for specific pre-defined works), and;
   b) developers to apply for such permission at any stage during the construction and operation of hoardings.
Recommendation 16
According to State Environmental Planning Policy (Exempt and Complying Development) 2008, painting external walls of residential properties not in heritage conservation areas is exempt development, and painting the side- and rear-facing walls of residential properties in heritage conservation areas is complying development. Painting of graffiti and street art with permission on these surfaces should therefore not require prior approval via Development Applications. If necessary, this should be formalised in the City of Sydney’s Local Environment Plan.

Recommendation 17.
The City should provide clear information to artists, residents and property owners about when and where they can enter into ‘permission arrangements’ to produce graffiti and street art. This information should make explicit the circumstances in which such arrangements do not require approval from the City. It should also make explicit the circumstances in which such arrangements do require approval, and provide guidance about the process for seeking such approval.

Recommendation 18.
The City should develop a simple, ‘check-box’ notification form for residential property owners in the City who wish to enter into permission arrangements with graffiti writers and street artists. This form would guide property owners through the forms and locations of graffiti and street art that do not require formal Development Application, and notify the City when and where new sites for graffiti and street art are established. This system should draw on the self-assessment system currently in place for planter boxes in the City and the permit system current in place for street art and graffiti in the City of Melbourne.

Recommendation 19.
The City should develop a simple, ‘check-box’ notification form for commercial property owners in the City who wish to enter into permission arrangements with graffiti writers and street artists to produce signage that is compliant with State Environmental Planning Policy (Exempt and Complying Development) 2008. This form would guide commercial property owners through the forms and locations of graffiti and street art that do not require formal Development Application, and notify the City when and where new sites for graffiti and street art are established.

Recommendation 20.
The City should use the spatial information in this report about the existence of ‘street art milieu’ to identify changes to the guidance provided in its Signage Development Control Plan, by enabling the use of graffiti and street art works for signage in appropriate areas via Signage Precinct guidelines.
Recommendation 21.
The City should investigate new pathways for the approval of spaces for graffiti and street art events organised by third-parties. New regulatory pathways might include oversight and review by the proposed Graffiti and Street Art Advisory Panel as an adjunct to a streamlined development application.

Recommendation 22.
The City should establish a special category of Development Applications for graffiti and street art, which should be free and as simple as possible to reduce administrative burdens on residents and City staff.

Protecting and Conserving Graffiti and Street Art

Recommendation 23.
The City should form a Graffiti and Street Art Advisory Group, to inform the further development and implementation of the City’s engagement with graffiti and street art. The Group, which will also be involved in determinations of the significance of graffiti and street art in the LGA, should include at least one active graffiti writer and one active street artist.

Recommendation 24
When the Graffiti and Street Art Advisory Group considers requests for the protection and/or conservation of graffiti and street art, it should consider a range of measures from physical measures such as coatings and active conservation to non-physical measures such as documentation in digital or document form.

Recommendation 25
Physical conservation should only be considered in works determined to be of extremely high significance. Artworks that are subject to physical conservation should be designated as a mural in order to differentiate these artworks from graffiti and street art, as well as from other more formally commissioned public artwork.

Recommendation 26
The City should implement two modes of protection of sanctioned graffiti and street art:

a) a passive mode of protection, where the City provides tacit support for graffiti and street art that is the product of negotiated agreements between property owners, artist/s, and other stakeholders from the community, and;

b) an active mode of protection, which applies to murals and City commissions, and reflects an investment of resources in the operation of the site and maintenance and conservation of the artwork.
Managing *Disagreement* about Graffiti and Street Art

Recommendation 27.
The City should reconfigure the way complaints about graffiti and street art are processed as a part of a reconceptualisation of the ‘complaint’ as a ‘stakeholder contribution’. This is in line with a revised view of contestations over graffiti and street art in public space that frames disagreement as normal, and frames citizen ‘complaints’ as another stakeholders perspective on the presence of graffiti and street art in the public spaces of the City.

Recommendation 28.
The City should establish new protocols to process contestations over sanctioned graffiti and street art that reconfigure ‘complaints’ received by the Call Centre as ‘stakeholder contributions’, and redirect them towards either:

   a) Assessment for possible removal, in the case of unsanctioned graffiti and street art;
   b) Notification of existing stakeholders, in the case of sanctioned graffiti and street art, and;
   c) Initiation of City engagement processes, in cases were contestations over a sanctioned piece of graffiti or street art reaches a set threshold of claimants in support of a review.

In the case of c) occurring, a Graffiti and Street Art Engagement Sessions will be convened with input from the Public Art Program Manager and the Graffiti and Street Art Advisory Panel.

Recommendation 29.
The City should establish protocols for Graffiti and Street Art Engagement Sessions based on an evaluation of the significance of a piece of contested graffiti or street art, which is in turn based on the valuations of the identified stakeholders, and a review of the alignment of the sanctioned site or artwork with the City’s strategic objectives.

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  d) reflect the City's multiple engagements with graffiti and street art;
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  h) The incorporation of the full range of values associated with graffiti and street art in assessment processes.

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