

## POLICY



**Date adopted:** 11/12/2019  
**File no:** 1113422-1  
**Minute number:** 196/2019

**Policy title:** STREET ART ON PRIVATE PROPERTY

**Directorate:** COMMUNITY AND LIFESTYLE

**Branch:** CITY SAFETY AND LIVEABILITY

**Policy objective:** To encourage the use of street art on private property to promote visual amenity and deter graffiti, subject to owner consent.

### Policy scope:

1. This policy applies to the installation of street art:
  - (a) on private premises that is visible from a public place
  - (b) installed with consent of the property owner.
2. The policy seeks to encourage the use of street art. Positive promotion will foster visual amenity, tourism and deter graffiti.
3. This policy enables Council to show support for broader expression art (street art). Council's support will attract high quality and even world renowned artists.
4. Street art installed with consent of the property owner is not to be confused with graffiti.
5. The policy encourages direct liaison between the property owner and street artist. Council will endorse and promote approved high quality street art.

### Definitions:

| TERM       | DEFINITION   |
|------------|--|
| Graffiti   | Subordinate Local Law 10.1 (Public Health) 1999 defines graffiti as:<br><i>destruction, damage or defacement of a surface without the consent of the owner of the premises caused by —</i><br><i>(a) spraying, writing, drawing, marking or otherwise applying paint or another marking to a surface; or</i><br><i>(b) scratching or etching</i> |
| Mural      | <i>A painting or other work of art executed directly on a wall (Oxford Dictionary).</i>  |
| Street art | <i>Artwork that is created in a public space (Oxford Dictionary). Street art contains no profanity, hate speech or racial vilification.</i>  |

| TERM     | DEFINITION   |
|----------|--|
| Trespass | <i>The wrongful entry upon the lands of another or an unlawful act causing injury to the person, property, or rights of another, committed with force or violence, actual or implied (The Macquarie Dictionary).</i> |

**Policy statement:**

1. The asset being painted with street art will be on private property. The property owner must provide consent before installation. The asset may be accessed and painted from Council controlled land.
2. The design must not include:
  - (a) profane words or statements that constitute vulgarity;
  - (b) hate speech; or
  - (c) racial vilification.
3. The artist must:
  - (a) moderate their art to consider public perception; and
  - (b) ensure their art contributes to:
    - (i) making public space inviting; and
    - (ii) compliments the natural assets in the area.
4. The installation of street art may not always be of a permanent nature. The reuse of a wall is to be determined in consultation with the property owner. Asset owners are advised to document agreements and condition the use of any wall or other asset, to include a sunset (paint out) clause.
5. Council may publicly promote a location as part of a tourism-based strategy.
6. Council will provide Queensland Police Service (QPS) this policy for their information.
7. Should an artwork be subject to vandalism or deterioration, Council may negotiate to remove the artwork by painting over it or negotiating its repair by the original artist. Should vandalism or deterioration of the street art occur:
  - (a) Council may request the artwork be painted over; or
  - (b) negotiate its repair by the original artist.
8. This policy is separate to the 'Public Art and Design' and 'Community Art' policies. These policies provide for art of a different purpose. The street art policy is to be read in conjunction with other Council policies and planning instruments.
9. Council will develop a strategy to encourage quality art that aligns to:
  - (a) the popular and emerging styles in street art;
  - (b) local communities;
  - (c) cultural diversity; and
  - (d) business and cultural precincts.

The strategy may include (for example):

  - (i) art festivals;
  - (ii) commissioned art to set standards/expectations;

- (iii) promotion of approved infrastructure to quality artists; and
  - (iv) other initiatives.
10. Council will educate owners and street artists of the relevant legislation and content guidelines.
- (a) *Summary Offences Act 2005*;
  - (b) *The Criminal Code (Queensland)*;
  - (c) *The Anti-Discrimination Act 1991*;
  - (d) *Transport Operations (Road use Management - Accreditation and Other Provisions) Regulation 2015*; and
  - (e) *Classification of Publications Act 1991*.

**Related policies/legislation/other documents:**

| DOC ID                  | DOCUMENT | DOCUMENT NAME         |
|-------------------------|----------|-----------------------|
| <a href="#">6080964</a> | Policy   | Public Art and Design |
| <a href="#">6080032</a> | Policy   | Community Art         |