



Willoughby City Council

ORDINARY COUNCIL

MINUTES

28 March 2022

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**Minutes of an ordinary Council meeting
held on Monday, 28 March 2022
at the Council Chamber, Chatswood commencing at 7:00pm**

ATTENDANCE:

Councillors

Tanya Taylor (Her Worship the Mayor)
Brendon Zhu (Deputy Mayor)
Georgie Roussac
Nic Wright
Anna Greco
Roy McCullagh
John Moratelli
Hugh Eriksson
Robert Samuel
Angelo Rozos
Sarkis Mouradian
Craig Campbell
Jam Xia

Officers

Debra Just (Chief Executive Officer)
Maxine Kenyon (Customer & Corporate Director)
Melanie Smith (Community, Culture & Leisure Director)
Hugh Phemister (Planning & Infrastructure Director)
Stephen Naven (Chief Financial Officer)
Ian Arnott (Planning Manager)
John Elliott (Economic Development Manager)
Warwick Lawrence (Interim Governance, Risk & Corporate Planning Manager)
Sherryn Williams (Governance Team Leader)
Natalie Taylor (Governance Administration Officer)
Jason Racchi (Information Technology Team Leader)
Matthew Long (Network Support Officer)

1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY

As a sign of respect, Willoughby City Council acknowledges the traditional inhabitants of the land on which we stand, the Aboriginal people, their spirits and ancestors. We acknowledge the vital contribution that indigenous people and cultures have made and still make to the nation that we share, Australia.

2 DISCLOSURES OF INTERESTS

- Councillor Wright declared a non-pecuniary less than significant interest in Item 15.4: Investment Report for the month of February 2022. Councillor Wright chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

“I am an employee of Westpac Bank with whom Council has investments.”

- Councillor Xia declared a non-pecuniary less than significant interest in Item 15.4: Investment Report for the month of February 2022. Councillor Xia chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:

“I am a full time employee of Commonwealth Bank (Commercial Banking) with whom Council has investments”

- Councillor Mouradian declared a non-pecuniary less than significant interest in Item 15.8 – Legal Matters Report. Councillor Mouradian chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

“Other relationship, long term friendship where I have no financial interest with a person mentioned in section 15.8 – Legal Matters report.”

- Councillor Rozos declared a non-pecuniary significant interest in Item 15.9: Planning Proposal - 845 Pacific Highway, Chatswood. Councillor Rozos chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

“I am an alternate member of the Sydney North Planning Panel.”

- Councillor Taylor declared a non-pecuniary significant interest in Item 15.9: Planning Proposal - 845 Pacific Highway, Chatswood. Councillor Taylor chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

“I am a member of the Sydney North Planning Panel.”

- Councillor Rozos declared a non-pecuniary significant interest in Item 15.10: Planning Proposal – 92-96 Victoria Avenue, North Willoughby. Councillor Rozos chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:

“I am an alternate member of the Sydney North Planning Panel.”

- Councillor Taylor declared a non-pecuniary significant interest in Item 15.10: Planning Proposal – 92-96 Victoria Avenue, North Willoughby. Councillor Taylor chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:
“I am a member of the Sydney North Planning Panel.”
- Councillor Xia declared a non-pecuniary significant interest in Item 15.11: Planning Proposal for 3-5 Help Street, Chatswood. Councillor Xia chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:
“Community leader of the objection petition to the Council renting in the Regency Building.”
- Councillor Zhu declared a non-pecuniary less than significant interest in Item 16.1 – Notice of Motion 02/2022 – Beaches Link. Councillor Zhu chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided was:
“My wife works at Transport for NSW as a graduate environmental and planning lawyer. The Beaches Link is a TFN project. She is not involved with matters directly involving Willoughby, she is not in position of seniority that it would affect my ability to fulfil my public duty.”
- Councillor Roussac declared a non-pecuniary less than significant interest in Item 16.1 – Notice of Motion 02/2022 – Beaches Link. Councillor Roussac chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided was:
“I work with the Department of Premier and Cabinet, in a public service officer capacity and not in the political office and I am not involved in the decision making capacity.”

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary meeting of Council held 2 March 2022, copies of which have been circulated to each member of Council, be confirmed.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

That Council grant the application for a leave of absence by Councillor Rozos for the August Council meeting.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

5 PETITIONS

Nil

6 OPEN FORUM — MATTERS NOT ON THE AGENDA

Nil

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE 06/2022 - SUPPORT TO FLOOD AFFECTED COMMUNITIES**MOTION**

That Council

1. Recognise that recent flood events in NSW have left many communities and people in need.
2. Note that Resilience NSW has requested that financial support should be channelled through the GIVIT platform.
3. Endorse and promote GIVIT as the preferred option for our community to support victims of the recent NSW flood.
4. Donates \$5,000 to flood relief efforts via the GIVIT platform, as many local government areas have been affected by flood events.
5. Requests that the Mayor write to the flood-affected local government areas in NSW within seven days advising of the support provided by Council via GIVIT.
6. Note that the source of funds will be from the operational salary savings as discussed with, and confirmed by the CEO, through the next Quarterly Budget Review of Council.

MAYOR TAYLOR

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

7.2 MAYORAL MINUTE 04/2022 - NEW MEMBER FOR WILLOUGHBY - TIM JAMES**MOTION**

That Council write to Mr Tim James MP congratulating him on his appointment as the new Member for the Electorate of Willoughby.

MAYOR TAYLOR

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

**7.3 MAYORAL MINUTE 05/2022 - RESIGNATION OF MELANIE SMITH -
COMMUNITY CULTURE AND LEISURE DIRECTOR****MOTION**

That Council recognise and thank Melanie Smith for her significant contribution to the City of Willoughby and wish her every success in her new role and all future endeavours.

MAYOR TAYLOR**CARRIED****Voting**

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

8 CHIEF EXECUTIVE OFFICER'S LATE REPORT

Nil

9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY**12 REPORTS OF COMMITTEES****12.1 AUDIT, RISK & IMPROVEMENT COMMITTEE ANNUAL REPORT AND
MEETING MINUTES 1 DECEMBER 2021****MOTION**

That Council note the Audit, Risk and Improvement Committee annual report and draft minutes of the meeting held on 1 December 2021, and thank Ms Gavey, Mr Lagaida and Mr Davies for their contributions to the committee.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL**CARRIED****Voting**

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

Note:

Elizabeth Gavey, Chair of the Willoughby City Council Audit, Risk and Improvement Committee addressed Council in relation to the Annual Report.

10 MATTERS REQUIRING ELABORATION OR DEBATE

The Mayor invited Councillors to nominate the items they wish Council to consider:

- 15.1 Public Exhibition - Night Time Economy Strategy
- 15.3 Memorandum of Understanding - Chambers of Commerce
- 15.5 Public Exhibition of Willoughby City Council Draft Code of Meeting Practice March 2022
- 15.6 National General Assembly of Local Government 2022
- 15.7 Councillor Misconduct Framework Submission
- 15.8 Legal Matters Report
- 15.9 Planning Proposal 845 Pacific Highway Chatswood
- 15.10 Planning Proposal - 92-96 Victoria Avenue North Willoughby
- 15.11 Planning Proposal for 3-5 Help Street Chatswood
- 15.12 Outcomes of Public Exhibition and Adoption of Revised Draft Planning Agreement Policy
- 16.1 Notice of Motion 02/2022 - Beaches Link

MOTION

That the staff recommendations for the following items be adopted en bloc:

- 15.2 Outcome of Public Exhibition and Adoption of the Economic Development Strategy
- 15.4 Investment Report for the Month of February 2022
- 15.13 Property Lease Portfolio
- 17.1 Confidential - Public Exhibition - Planning Agreement - 3 Ellis Street Chatswood

COUNCILLOR ERIKSSON / COUNCILLOR CAMPBELL

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

11 PUBLIC FORUM — MATTERS ON THE MINUTES

The following members of the public addressed Council during Public Forum in relation to an item on the agenda:

- **Item 15.9: Planning Proposal - 845 Pacific Highway, Chatswood**
John Wynn (Urbis Planning Consultant on behalf of applicant) addressed Council speaking against the officer's recommendation.
- **Item 15.11: Planning Proposal for 3-5 Help Street, Chatswood**
Pauline Stirgess addressed Council speaking against the officer's recommendation and Matt Hurst (Parade Consulting - Planning Consultant on behalf of applicant) addressed Council speaking in support of the officer's recommendation.
- **Item 15.12: Outcomes of Public Exhibition and Adoption of Revised Draft Planning Agreement Policy**
Robert Sargis (Project Manager on behalf of the Applicant) addressed Council speaking against the officer's recommendation.

- **Item 16.1: Notice of Motion 02/2022 - Beaches Link**
Meredith Foley (on behalf of Willoughby Environmental Progress Association), Kristina Dodds (on behalf of Save Flat Rock Gully Group), Pete Kasby, Larissa Penn and Bob Taffel addressed Council speaking in support of the motion.

Note:

Councillor Taylor brought forward items 15.9, 15.10, 15.11, 15.12 and 16.1 due to declared pecuniary interests and speakers addressing these items.

15.9 PLANNING PROPOSAL 845 PACIFIC HIGHWAY CHATSWOOD

MOTION

That Council:

1. **Not forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, as the Planning Proposal:**
 - (a) **Is inconsistent with the Council endorsed Chatswood CBD Planning and Urban Design Strategy 2036, with regard to height, floor space, the slender tower objective, setbacks and street wall heights.**
 - (b) **Is inconsistent with the strategic objectives of the Greater Sydney Region Plan and the North District Plan which encourages development to be appropriate to its site.**
2. **Notify the proponent of Council's decision.**

MOVED COUNCILLOR XIA / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Councillors Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright, Xia and Zhu

Against: Nil

Absent: Councillors Taylor and Rozos

Notes:

1. *Councillors Taylor and Rozos left the meeting at 7:30pm having declared an interest in this item.*
2. *Councillor Zhu assumed the Chair.*

**15.10 PLANNING PROPOSAL - 92-96 VICTORIA AVENUE NORTH
WILLOUGHBY****MOTION**

That Council:

1. Forward the Planning Proposal to the Department of Planning, Industry and Environment seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, with the following amendments to *Willoughby Local Environmental Plan 2012*:
 - (a) Amend Clause 4.3A Exceptions to height of buildings to the following:
 - (9) The maximum height of building of multi dwelling housing at 92-96 Victoria Avenue North Willoughby identified as Area 4 on the height of building map is not to exceed 10 metres.
 - (b) Amend Clause 4.4A Exceptions to floor space ratio to the following:
 - (25) Despite Clause (1), the maximum floor space ratio of multi dwelling housing at 92-96 Victoria Avenue North Willoughby identified as Area 21 on the floor space ratio map is not to exceed 1:1.
 - (c) Amend Clause 6.10 Minimum lot sizes for certain residential accommodation to insert the following:
 - (6) Despite subclause (2), development consent may be granted to development for the purposes of multi dwelling housing on a lot in an area identified as "Area 15" on the Special Provisions Area Map if the lot size is at least 2,500 square metres.
 - (d) Amend LEP Height of Buildings (HOB) Map to nominate the site as "Area 4" and allow for a maximum height of building of 10 metres for multi dwelling housing on the site;
 - (e) Amend LEP Floor Space Ratio (FSR) Map to nominate the site as "Area 21" and allow for a maximum FSR of 1:1 for multi dwelling housing on the site;
 - (f) Amend the LEP Lot Size (LSZ) Map to remove lot size controls from the subject site.
 - (g) Amend the LEP Special Provisions Area (SPA) Map to include the site in Area 9 (Clause 6.8 Affordable Housing) and Area 15 (Clause 6.10 Minimum Lot Sizes).
 - (h) Amendment of Schedule 1 Additional permitted uses to allow for multi dwelling housing on the site:
 - (75) Use of certain land at 92-96 Victoria Avenue North Willoughby
 - (1) This clause applies to certain land at 92-96 Victoria Avenue North Willoughby, being Lots 5, 6 and 7 in DP 809.
 - (2) Development for the purposes of multi dwelling housing is permitted with development consent.

2. Subject to 1. above, Council endorse for public exhibition the Planning Proposal as outlined in 1.
3. Council endorse the draft site specific *Development Control Plan* provisions being placed on public exhibition with the draft Planning Proposal, subject to further amendments including consideration of advice provided by the Willoughby Local Planning Panel at its meeting of 8 February 2022.
4. Note that following public exhibition the Planning Proposal and site specific Development Control Plan will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - (1) To proceed as recommended in this report.
 - (2) To proceed with amended controls in the Planning Proposal and Development Control Plan to that exhibited.
 - (3) To not proceed with the Planning Proposal and Development Control Plan.
5. Request that the Department of Planning and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning and Environment delegate authority to the Council Planning Manager to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.
6. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal and Development Control Plan which does not alter the intent.

MOVED COUNCILLOR CAMPBELL / SECONDED COUNCILLOR MOURADIAN

CARRIED

Voting

For the Motion: Councillors Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Samuel, Wright, Xia and Zhu

Against: Nil

Absent: Councillors Taylor and Rozos

Note:

Councillors Taylor and Rozos declared an interest in this item.

15.11 PLANNING PROPOSAL FOR 3-5 HELP STREET CHATSWOOD**MOTION**

That Council:

1. Note the submissions and proposed responses to feedback on the Planning Proposal and draft site specific Development Control Plan for 3 – 5 Help Street, Chatswood following the public exhibition period.
2. Support the Planning Proposal 3-5 Help Street, Chatswood, on the basis of consistency with the Chatswood CBD Planning and Urban Design Strategy 2036, subject to the following amendments:
 - (a) For a development with total height of 90m, a minimum setback from the side boundary of 4.5m is to be provided for the entire tower on any side.
 - (b) Active street frontages to be provided to Help Street, Cambridge Lane and McIntosh Street.
 - (c) Consistent with the objective of embellishing public realm and greening the Chatswood CBD, provision of a minimum 6m setback at ground level along the Cambridge boundary of the site, opposite the publicly accessible open space at 1 Cambridge Street, for the purposes of publicly accessible open space. In this regard 3m is to be footpath and 3m is to be deep soil landscape planting. Other ground level setbacks are to be retained as proposed.

The above amendments are to be included in any development application.

3. Require the following traffic information to be provided with any development application for 3-5 Help Street in accordance with the letter from Transport for NSW dated 4 June 2021:
 - (a) Traffic modelling updated in regards traffic volumes.
 - (b) An assessment of non-car mode transport demands.
 - (c) Car parking based on reduced car parking rates due to the site location close to public transport infrastructure.
 - (d) Analysis of the most appropriate location of the loading / unloading access point via Help Street, having regard to the close proximity of the vehicle access point on the adjoining site to the east.
4. Require the following additional information to be provided with any development application for 3-5 Help Street:
 - (a) A detailed landscape plan showing:
 - (i) All hard and soft surfaces on-site, with particular regard to ground level publicly accessible setbacks.
 - (ii) A coordinated public domain interface with public domain opposite 3-5 Help Street in Cambridge Lane.
 - (iii) Connection with existing pedestrian and cycle links surrounding the site.
 - (b) Analysis of Cambridge Lane as a shared zone in consultation with Council's Traffic Section and Transport for NSW.
 - (c) Provision of a Green Travel Plan satisfactorily addressing the site location close to public transport infrastructure.

5. Support amendments to Willoughby Local Environmental Plan 2012 relating to 3 – 5 Help Street, Chatswood as outlined in Attachment 7 and forward to the Department of Planning and Environment for finalisation.
6. Support the site specific draft Development Control Plan subject to the amendments above.
7. Note that a Voluntary Planning Agreement has now been executed.
8. Delegate authority to the Chief Executive Officer to make any minor amendments to the final planning proposal and DCP which do not alter the intent.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ROZOS

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright and Zhu

Against: Councillor McCullagh

Absent: Councillor Xia

Notes:

1. Councillor Taylor returned to the meeting at 7:44pm and assumed the Chair.
2. Councillor Rozos returned to the meeting at 7:44pm.
3. Councillor Xia left the meeting at 7:45pm having declared an interest in this item.

15.12 OUTCOMES OF PUBLIC EXHIBITION AND ADOPTION OF REVISED DRAFT PLANNING AGREEMENT POLICY

MOTION

That Council:

1. Note the submissions received in relation to the exhibition of the revised draft *Planning Agreements Policy* and associated *Chatswood CBD Community Infrastructure Contribution (CIC) Funding Study*.
2. Note the proposed amendments to the revised draft *Planning Agreements Policy* and agree to establish the CIC rate at \$900 per m² for any Planning Agreement associated with a Planning Proposal lodged after the adoption of the Policy and any Planning Proposals which have already gone through a formal pre-planning proposal meeting, to which the rate of \$765 per m² would apply.
3. Adopt the final *Planning Agreements Policy* (as amended) and simultaneously repeal the current *Voluntary Planning Agreements (VPA) Policy 2013*.
4. Note the *Planning Agreement Policy Procedures Manual*.

5. Authorise the Chief Executive Officer to make any necessary amendments to the documents which do not alter the intent or result in material changes to these documents.

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR ZHU

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Samuel, Xia and Zhu

Against: Councillors Rozos, Roussac and Wright

Notes:

1. Councillor Xia returned to the meeting at 8:03pm.
2. The following amendment moved by Councillor Wright and Seconded by Councillor Roussac was lost:

“That Council:

1. *Note the submissions received in relation to the exhibition of the revised draft Planning Agreements Policy and associated Chatswood CBD Community Infrastructure Contribution (CIC) Funding Study.*
2. *Note the proposed amendments to the revised draft Planning Agreements Policy and agree to establish the CIC rate at \$900 per m² for any Planning Agreement associated with a Planning Proposal lodged after the adoption of the Policy.*
3. *Adopt the final Planning Agreements Policy (as amended) and simultaneously repeal the current Voluntary Planning Agreements (VPA) Policy 2013.*
4. *Note the Planning Agreement Policy Procedures Manual.*
5. *Authorise the Chief Executive Officer to make any necessary amendments to the documents which do not alter the intent or result in material changes to these documents.”*

Voting

For the Amendment: Councillors Campbell, Moratelli, Roussac, Rozos, Samuel and Wright

Against: Councillors Mouradian, Eriksson, Zhu, Xia, McCullagh, Greco and Taylor

16 NOTICES OF MOTION

PROCEDURAL MOTION – COMMITTEE OF THE WHOLE

That Council move into the Committee of the Whole to consider item 16.1 – Notice of Motion 02/2022 – Beaches Link.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

Note:

Council moved into the Committee of the Whole at 8:41pm.

PROCEDURAL MOTION – MOVE INTO OPEN SESSION

That Council move into open session of Council.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

Note:

Council moved into open session at 9:17pm.

16.1 NOTICE OF MOTION 02/2022 - BEACHES LINK

MOTION

In light of matters including:

- the adverse environmental and health impacts both during construction and operationally including from disturbance of dangerous contamination at Bicentennial Reserve, Flat Rock Gully and Middle Harbour, and the loss of large areas of bushland;
- the loss of local amenity during construction due to noise, congestion, vibration;
- the movement of heavy vehicles and reduced access to Middle Harbour;
- the use of outdated traffic modelling which fails to take into account the impact of COVID, the impact of the B-line, and the impact of the Metro City and Southwest in conjunction with the planned rapid bus service from Dee-Why to Chatswood;
- Council's ambition to develop the Chatswood CBD as a major transport interchange;
- the availability of public transport alternatives including a possible underground connection between the Frenchs Forest growth area and the Chatswood interchange, which haven't been considered;

- journey to work data which suggest that such an alternative would well serve residents of the Northern Beaches LGA getting to work, that Council:
1. Calls on the State Government to cease work on the Beaches Link Tunnel as currently proposed ('the Proposal'), including obtaining any planning approvals, until such time as:
 - (a) public transport alternatives including an underground link between Frenchs Forest and the Chatswood interchange have been considered, and
 - (b) such alternatives have been compared to each other and the Proposal via an open and transparent process involving the public release of a business case which includes the health and environmental costs of the various alternatives, and takes into account contamination remediation costs of different alternatives after a Stage 2 assessment of Bicentennial Reserve and Flat Rock Gully approved by an EPA accredited auditor has been completed.
 2. Spend up to \$10,000 to direct brief Senior Council experienced in environmental and planning law, to provide an urgent written advice as to:
 - 2.1 The time after the granting of any planning approval for the Proposal within which an application to overturn the approval may be lodged as of right.
 - 2.2 Whether on the basis of:
 - (a) the Transport for NSW response to the GIPA application reference 21T-2181 dated 16 August 2021,
 - (b) the material referred to in Appendix A of the EIS dealing with the SEARs that
 1. *The EIS must include, but not necessarily be limited to, the following: ...*
 - e. *an analysis of any feasible alternatives to the project; and*
 - (c) numerous objections to the EIS complaining of its failure to consider alternatives, including Council's objection (see page 17 - <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=EXH-11439174%2120210315T213405.765%20GMT>) there are reasonable prospects of success for any action to overturn any planning approval for the Proposal, should such approval eventuate, noting that the Proposal has been designated Critical State Significant Infrastructure.
 - 2.3 Whether, if the answer to 2 is no, whether there may be additional evidence Council could obtain to change that answer, what that evidence is and how it might be obtained.
 - 2.4 Whether Council can share the written advice with other councils interested in funding such an action in conjunction with Council without waiving legal professional privilege and, if so, how this may be done.
 - 2.5 Whether, if Council was unsuccessful in such an action, it would be likely to be successful in an argument, pursuant to Rule 4.2 of the *Land and Environment Court Rules 2007*, that it should not have to pay the other side's costs because the action was brought in the public interest.

3. Upon receipt of such advice Council immediately provide same to councillors on a confidential basis.
4. Attempt to obtain media coverage for this motion and the main reasons for it.
5. Will publicise to residents of the City of Willoughby this motion and the reasons for it and encourage residents to write to their local State and Federal MPs accordingly.

MOVED COUNCILLOR MORATELLI / SECONDED COUNCILLOR ROUSSAC

AMENDMENT

In light of matters including:

- the adverse environmental and health impacts both during construction and operationally including from disturbance of dangerous contamination at Bicentennial Reserve, Flat Rock Gully and Middle Harbour, and the loss of large areas of bushland;
- the loss of local amenity during construction due to noise, congestion, vibration;
- the movement of heavy vehicles and reduced access to Middle Harbour;
- the use of outdated traffic modelling which fails to take into account the impact of COVID, the impact of the B-line, and the impact of the Metro City and Southwest in conjunction with the planned rapid bus service from Dee-Why to Chatswood;
- Council's ambition to develop the Chatswood CBD as a major transport interchange;
- the availability of public transport alternatives including a possible underground connection between the Frenchs Forest growth area and the Chatswood interchange, which haven't been considered;
- journey to work data which suggest that such an alternative would well serve residents of the Northern Beaches LGA getting to work, that Council:

1. Calls on the State Government to cease work on the Beaches Link Tunnel as currently proposed ('the Proposal'), including obtaining any planning approvals, until such time as:
 - (a) public transport alternatives including an underground link between Frenchs Forest and the Chatswood interchange have been considered, and
 - (b) such alternatives have been compared to each other and the Proposal via an open and transparent process involving the public release of a business case which includes the health and environmental costs of the various alternatives, and takes into account contamination remediation costs of different alternatives after a Stage 2 assessment of Bicentennial Reserve and Flat Rock Gully approved by an EPA accredited auditor has been completed.
2. Will publicise to residents of the City of Willoughby this motion and the reasons for it and encourage residents to write to their local State and Federal MPs accordingly.
3. Writes to Local Member for Willoughby, Mr Tim James and request that the State Government reconsider the project and in favour of a single dive site in the Artarmon Industrial Estate in preference to Flat Rock Creek.

4. Attempt to obtain media coverage for this motion and the main reasons for it.

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR ERIKSSON

Voting

For the Amendment: Councillors Campbell, Eriksson, Mouradian, Rozos, Samuel, Xia and Zhu

Against: Councillors Taylor, Greco, McCullagh, Moratelli, Wright and Roussac

The amendment on being put to the meeting was CARRIED and become the motion.

The motion on being put to the meeting became the resolution of Council

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, Mouradian, Roussac, Moratelli, McCullagh, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

Note:

Councillors Roussac and Zhu declared an interest in this item.

13 DEFERRED MATTERS

Nil

14 CORRESPONDENCE

Nil

15 REPORTS FROM THE OFFICERS

CHIEF EXECUTIVE'S OFFICE

15.1 PUBLIC EXHIBITION - NIGHT TIME ECONOMY STRATEGY**MOTION**

That Council:

1. Endorse the draft Night Time Economy Strategy for public exhibition.
2. Delegate authority to the Chief Executive Officer to make minor amendments to the draft Night Time Economy Strategy which does not alter the intent.

MOVED COUNCILLOR SAMUEL / SECONDED COUNCILLOR MOURADIAN

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

15.2 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE ECONOMIC DEVELOPMENT STRATEGY**RESOLUTION**

That Council:

1. Note the outcomes of the public exhibition of the draft Economic Development Strategy.
2. Adopt the final Economic Development Strategy.
3. Delegate authority to the Chief Executive Officer to make minor amendments to the Strategy which do not alter the intent.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

ADOPTED EN BLOC

15.3 MEMORANDUM OF UNDERSTANDING - CHAMBERS OF COMMERCE**MOTION**

That Council defer this item and a report be brought back to the May 2022 Council meeting.

MOVED COUNCILLOR XIA / SECONDED COUNCILLOR ROUSSAC

CARRIED

Voting

For the Motion: Councillors Taylor, Samuel, Rozos, Mouradian, Campbell, Zhu, Xia, McCullagh, Moratelli, Eriksson, Greco, Wright and Roussac

Against: Nil

CUSTOMER & CORPORATE DIRECTORATE**15.4 INVESTMENT REPORT FOR THE MONTH OF FEBRUARY 2022****RESOLUTION**

That Council receive the Statement of Bank Balances and Investment Holdings as at 28 February 2022.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

ADOPTED EN BLOC

Note:

Councillors Wright and Xia declared an interest in this item.

15.5 PUBLIC EXHIBITION OF WILLOUGHBY CITY COUNCIL DRAFT CODE OF MEETING PRACTICE MARCH 2022**MOTION**

That Council:

1. **Adopt the Willoughby City Council Draft Code of Meeting Practice (March 2022) and place it on public exhibition for a period of 28 days.**
2. **Receive a further report after a 42-day consultation period addressing matters raised in the submissions received.**

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR ZHU

AMENDMENT

That Council:

1. **Adopt the Willoughby City Council Draft Code of Meeting Practice (March 2022) and place it on public exhibition for a period of 28 days subject to the following amendments:**
 - (a) **Include Part 4 - Open and Public forums.**
 - (b) **Amend clauses:**
 - (i) **3.12(b): by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice no later than six weeks, pending the preparation of such a report.**
 - (ii) **7.1: If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor' or 'Mayor'.**

- (iii) 7.2: Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chairperson'.

(c) Delete Clause: 17.19.

2. Receive a further report after a 42-day consultation period addressing matters raised in the submissions received.

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR SAMUEL

Voting

For the Amendment: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

The amendment on being put to the meeting was **CARRIED** and become the motion.

The motion on being put to the meeting became the resolution of Council

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

15.6 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2022

MOTION

That Council:

1. Nominate Councillor Taylor, Rozos, McCullagh, Eriksson, Moratelli, Xia, Wright and Campbell as Council delegates to attend the National General Assembly of Local Government on 19-22 June 2022 in Canberra.
2. Note there are no motions to be submitted for consideration at the National General Assembly of Local Government.

MOVED COUNCILLOR TAYLOR / SECONDED COUNCILLOR WRIGHT

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

15.7 COUNCILLOR MISCONDUCT FRAMEWORK SUBMISSION**MOTION**

That Council:

1. **Endorse the submission as attached to the report to the Office of Local Government on the Review of Councillor Misconduct framework by 29 March 2022, subject to the following amendments:**

- **Complaint Process & Procedures for the Administration of the Model Code of Conduct:**

13. Are the current procedures governing the formal investigation of code of conduct complaints about councillors effective in ensuring investigations and their outcomes are robust and fair? If not, how can they be improved?

Response:

No, the current procedures are neither robust nor fair. The reviews are completed in secret, the outcomes / complainants / results are not released, there is no independent mechanism for review (among other issues).

14. Are OLG's oversight powers adequate and effectively implemented? What improvements might be considered?

Response

No. OLG's oversight powers are poorly drafted and even more poorly executed. The OLG seems to have little understanding of procedural fairness, transparency or their requirements under the legislation.

- **Investigation Timeframes:**

18. Are there opportunities for councillor misconduct to be dealt with summarily? If so, how can this be done in a way that ensures due process and that is procedurally fair?

Response

No. That this is being considered shows how ridiculous the current system is.

- **Outcomes**

21. Should the disciplinary powers available to councils for breaches by councillors of the code of conduct be strengthened? If so, what additional disciplinary powers should be given to councils?

Response

Councillors are best placed to deal with breaches of the code of conduct. This is the whole premise behind the idea of "jury of their peers". Councils should be able to determine and finalise disciplinary actions as the result of a code of conduct complaint.

22. If councils were given stronger disciplinary powers, should the right of appeal in relation to the exercise of those powers be to OLG or to another agency or tribunal?

Response

External and independent authority with specific knowledge of local government (NB. Not NCAT).

- **Costs**

25. Should councils be accountable to their communities for the cost of dealing with complaints about councillor misconduct?

Response

Yes, it should be reported in the Annual report. Details of the complaints and the outcomes should be made public once finalised to improve transparency and accountability.

2. **Delegated Authority be provided to the Chief Executive Officer to incorporate baseline principles to be included such as procedural fairness and reviews being undertaken by people with appropriate knowledge of local government.**

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR MORATELLI

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

15.8 LEGAL MATTERS REPORT

MOTION

That Council note the legal services report.

MOVED COUNCILLOR WRIGHT / SECONDED COUNCILLOR CAMPBELL

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Roussac, Rozos, Samuel, Wright, Xia and Zhu

Against: Nil

Absent: Councillor Mouradian

Note:

Councillor Mouradian left the meeting at 10:20pm having declared an interest in this item.

PLANNING & INFRASTRUCTURE DIRECTORATE**15.13 PROPERTY LEASE PORTFOLIO****RESOLUTION**

That Council note the report on Council's property lease portfolio and the confidential property information as contained in Attachment 2 to the report.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

ADOPTED EN BLOC

17 CONFIDENTIAL MATTERS*Notes:*

1. *Councillor Mouradian returned to the meeting at 10:21pm.*
2. *The Chair reported the following confidential resolution adopted by exception at Item 10 – Matters Requiring Elaboration or debate of the meeting.*

17.1 CONFIDENTIAL - PUBLIC EXHIBITION - PLANNING AGREEMENT - 3 ELLIS STREET CHATSWOOD**RESOLUTION**

That Council:

1. **Agree to the draft Voluntary Planning Agreement for 3 Ellis Street, Chatswood being publicly notified and exhibited in accordance with Section 7.5 of the *Environmental Planning and Assessment Act 1979* and Clause 204 of the *Environmental Planning and Assessment Regulation 2021*.**
2. **Authorise the Chief Executive Officer to execute the Planning Agreement following public exhibition and to make appropriate amendments to the Planning Agreement which do not alter the intent of the draft Planning Agreement as exhibited, or result in material changes to the Planning Agreement following consideration of public submissions.**

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR CAMPBELL

ADOPTED EN BLOC

18 QUESTIONS WITH NOTICE**18.1 QUESTION WITH NOTICE 02/2022 - WILLOUGHBY YOUTH ADVISORY GROUP REVIEW**

Submitted by: Councillor Roy McCullagh

QUESTION

Council has strong commitment to youth services provision with a dedicated Youth Services Team delivering youth development programs and youth recreation. The services operate from the Chatswood Youth Centre in Albert Avenue which also provides afterschool drop-in, as an important passive recreation space for young people.

Council's Youth Services Team facilitates the Willoughby Youth Action Group (WYAG), providing a voice for young people via participation in planning and implementation of programs and services for young people who live, work and study in the Willoughby Local Government Area (LGA).

The objectives of the group include:

- To ensure opportunities for local young people (14-21 years) have input into Willoughby City Council's (WCC) Youth Services programming
- Support and advise the Council's Youth Services staff to develop and deliver activities and events relevant to the young people in the Willoughby LGA
- Be a voice for the youth of Willoughby
- Organise Council-approved events for young people in the Willoughby LGA
- Advise Council on matters affecting young people

Youth Development Officers (YDO) meet with the group on a regular basis to discuss the needs of young people living in the LGA. The WYAG has also joined the NSW Youth Advisory Network which involves monthly zoom meetings with other NSW youth advisory groups and the NSW Youth Action board.

In order to review the Willoughby Youth Advisory Group, can Council answer the following:

1. How is the WYAG promoted in the LGA?

The WYAG is promoted via;

- Chatswood Youth Centre
- Council's website
- Social media, predominantly WhatsApp and Instagram
- the Lower North Shore Youth Interagency, facilitated by local Councils to identify and address youth needs
- Schools and TAFE
- Sporting Associations
- Advertisement in Councils libraries, community and recreational facilities.

2. Is it mainly through schools?

Membership is open to all 14 to 21-year-old residents and students. Promotion is not limited to schools, however the greatest take up of membership is from young people attending school. Current membership also includes young people engaged in tertiary education.

3. How many youth participate in it?

Membership comprises of 10 to 15 young people as detailed in the Terms of Reference (refer **Attachment 1**). Membership of the group has suffered during the pandemic and Youth Development team report that four members are actively attending meetings at present.

Efforts are underway to re-engage non active members and to recruit to increase membership. The youth services team are currently planning for the upcoming July Bingara exchange which historically has acted as an induction to new WYAG for new members.

4. Do we have a list of the issues raised over the past few years that we can review?

Issues for the group are largely driven by the WYAG members. Bullying, support for LGBTQIA+ groups, vocational support and HSC related stress have been focus areas in recent years.

The groups current focus is on youth mental health and reconnection following the COVID disruption. The group is presently working on programs for Youth Week, which will occur in April 2022.

Recently WYAG members attended the NSW Youth Council Conference accompanied by Council's Youth Development team. The Conference focused on key themes of Social Media for Good, Mental Health and Sustainable Life. These themes will be carried through 2022 as a priority for the group.

The WYAG has also joined the NSW Youth Advisory Network which involves monthly zoom meetings with other NSW youth advisory groups and the NSW Youth Action Board. Participation in these forums greatly assists the group to stay connected and informed about emerging issues across the greater metropolitan area and state.

5. Do the members of WYAG live throughout the whole LGA?

Membership is contingent on being a resident of the Willoughby LGA and members can reside within any suburb of the LGA.

As the Chatswood Youth Centre is the base for the group's activities, membership from young people residing in, or frequenting Chatswood is usually higher in the group than from other areas of the LGA.

Council officers do not store address details for WYAG members; but request young people confirm that they live in or attend school in WCC LGA.

6. Have the members of WYAG being invited to a Council meeting?

The WYAG have not been invited to a meeting of the current term of Council.

The group does not operate as a youth council, but rather as a consultative group on youth issues used largely to inform the allocation of resources, programs, events and a data source for youth advocacy by Council's Youth Services Team.

The group meets on Level 6 of Council's administration building and are open to engaging with the Council. Engagement with the Council elect has traditionally been informal, however a process to engage with the Council could be instigated, with input from the WYAG.

7. Are all of our Wards represented on WYAG?

All Wards are not currently represented. Representation of the current active members is from Sailors Bay Ward, West Ward and Middle Harbour Ward.

8. What aspects of the program works well?

The relaxed culture and young person centred aspects of the group works well and allows members to set the agenda and undertake initiatives. Young people are comfortable being with one another and the Youth Services team. They are able to be open and honest with their viewpoints and are developing skills in engaging in healthy debate, advocacy, social justice and critical thinking.

Since lockdown, there has been greater communication via online channels which includes a Whatsapp group to keep up to date with projects the group are working on and to share meeting minutes between members and with other young people.

9. What aspects of the program do not work well?

With increasing extra-curricular activities, work and study commitments returning and increasing, it has been difficult for the whole group to be present at each meeting which impacts on the effectiveness of the group. An increase to the active membership of the group will assist in alleviating this problem.

10. Do we reach out to Youth outside of the mainstream channels i.e. schools and how do we do that?

Yes. Council promotes the WYAG though various channels as described in question 1. Additionally, young people habitually utilise Instagram and Whatsapp and these channels are how the Youth Team conducts the bulk of their promotion, feedback and general engagement.

11. Do we reach out to youth with learning disabilities or physical challenges who cannot access these resources for different reasons?

The WYAG is an inclusive group and involvement from all youth is invited and encouraged. Council's engagement and support for youth with learning difficulties and specific access and inclusion needs goes beyond WYAG membership as a key feature of Council's youth development and advocacy initiatives.

Recently the youth services team have engaged with Street Work, a local youth outreach service, to identify youth clients who may benefit from joining WYAG. This should also help to diversify the group and ensure a wider range of youth voices are represented. Additionally, increased engagement with youth disability services in the local area to further diversify the group is required and this action will be added to Council's *Disability Inclusion Action Plan* which is currently under reviewed.

12. Do we reach out to youth in the LGBTQI+ community?

Yes. Council's youth development team facilitates a specific LGBTQIA+ group in partnership with Lane Cove Council.

18.2 QUESTION WITH NOTICE 01/2022 - INDIGENOUS MURAL AT ELLA STREET BRIDGE, NAREMBURN

Submitted by: Councillor Georgie Roussac

BACKGROUND

Naremburn Ward councillors would like to support residents who are interested in exploring opportunities to create an indigenous mural at Ella Street bridge, Naremburn. The intention is for Council officers and the community to work together to source funding externally.

Residents would like to engage with indigenous artists working through the Aboriginal Heritage Office and Metropolitan Local Aboriginal Land Council.

The bridge sits within 100 metres of the head waters of Flat Rock Creek and is a gateway street into Naremburn. It is also close to Talus Reserve and the popular Naremburn oval. The bridge has been unsightly since it was upgraded in 2009 (refer images at **Attachment 1**).

Ella Street is a local road under the care of Willoughby City Council. Our understanding is that the bridge is owned by the Transport Asset Holding Entity of NSW and Willoughby City Council is responsible for the maintenance on road side boundaries including graffiti cleaning.

QUESTION

That Council prepares a report on the following issues to be tabled at the May 2022 Ordinary meeting.

The following information is provided in response to questions regarding the Ella Street bridge mural.

1. As the Ella St bridge is an asset that Council does not own, who is the consent authority for any public artwork?

Officers understand that the consent authority for the proposed project is Transport for NSW.

Council's *Public Art Policy 2021* applies to all public art located, or proposed, in the public realm within the Willoughby local government area. Any proposal for public artwork on the Ella St bridge should be consistent with this Council policy. Any proposal to incorporate 'Public Art' within the Ella St bridge will require the endorsement and approval of both Willoughby City Council and the consent authority.

The location of the artwork should be made with consideration to what is appropriate to Country and with guidance from the Aboriginal Heritage Office. It should be considered by relevant custodians and the Aboriginal Heritage Office as to whether this is the best location for the purpose of the work; to promote greater awareness and acknowledgement of Country.

- 2. If Council were to fund the artwork, what is the estimated maintenance costs? Please also indicate the maintenance costs associated with Naremburn's most significant indigenous mural under Brook Street which has been in place approximately 17 years.**

The annual maintenance costs would be driven by the amount of graffiti to be removed each year. Sites adjacent to railway lines will generally attract higher levels of graffiti than other locations in the LGA. As the location will include work prepared by an artist and involve artists' Moral Rights, rectification and repair work will require their support/endorsement and potentially their involvement. This will involve costs that are much higher than standard repair/graffiti cleaning costs.

Due to the location of the proposed mural, the road would need to be closed whilst any cleaning and maintenance work is undertaken. The road closure would cost approximately \$1,500 a day.

Since its inception the maintenance costs for the indigenous mural in the Flat Rock Gully underpass have been very low. This mural is not located near a train line and road closures are not required when undertaking maintenance. A high quality anti-graffiti coating was applied when the mural was painted and this has protected the paintwork as well as making cleaning easier. The cost of the anti-graffiti coating was approximately \$10,000. There has been almost no requirement for graffiti removal.

The art work has required some repair due to its 'underground' location, with moisture penetration caused some peeling. This artwork predates the Willoughby City Council Asset Custodianship Register. This document now clearly defines the ownership of assets such as public art, who is responsible for financing and undertaking maintenance and management.

Council should consider funding such works as part of its annual budget and operational plan process following the project being discussed and scoped with the Aboriginal Heritage Office.

- 3. If an external community organisation were to fund and install an artwork at this site, would Council still be responsible for the maintenance?**

Willoughby City Council's Public Art Policy Procedures advises that public art projects undertaken by external organisations should develop a Public Art Plan at the outset of the project. This involves an agreement between all parties involved (including the artist) determining who shall be responsible for the ownership and ongoing maintenance of the art work. This will be identified and recorded in the Willoughby City Council Asset Custodianship Register. Maintenance processes and requirements would be noted and budgeted within the plan.

- 4. Does Council have existing resources to help support any road closures required to install an artwork at this site? For example, an automatic traffic light system as was used during the Wilkes Ave upgrade.**

The installation of the artwork will require the preparation of a Traffic Plan, involving either full or partial road closure. Traffic control is highly specialised and undertaken by external contractors/consultants. The cost of traffic control for installation and maintenance works will need to be allowed for. The scope of these costs will be determined by a clear understanding of the art piece, how it will be installed/applied, protected and what future maintenance is required/necessary.

Wilkes Avenue traffic control was installed to provide traffic management for a large infrastructure project. It was implemented by the construction contractor, with the costs incorporated into the overall project implementation budget. Work on the Ella St bridge may potentially be undertaken during working hours using staffed traffic controllers. Costs can only be determined following a more detailed investigation of the proposed work required and the project timeframe.

5. Is Council aware of any external funding sources that may be available for an artwork at this site, both for Council to apply for and/or a community group? Please list relevant funding sources.

Officers are not aware of any current funding opportunities, but they will continue to monitor for relevant external funding grants and advise residents accordingly.

6. What resourcing and costs would be associated with Council supporting an external community group in applying for funding and/or installation of the artwork? For example, Council staff assistance to submit applications for external funding, apply for road closures etc.

As the level of information that funders require varies greatly, it is not possible to provide an accurate answer to this query without knowing the details of the funding program being applied to. However, community and sporting groups regularly apply to external funders, with minimal or no support from Officers.

It is likely that any funding application would require landowner consent. Officers could support the community group in their efforts to seek this approval.

As described at 1. Council's *Public Art Policy 2021* would apply to public artwork on the Ella St bridge. Officers could support the community group with the development of this project to ensure compliance with the *Public Art Policy 2021*.

Officers have already provided some advice to the community regarding potential artists for this project. To ensure appropriate decisions are made with regard to engaging a First Nations artist, it is recommended that the Aboriginal Heritage Office could nominate an appropriate artist, or be invited to make the final approval of nominated artists.

7. If Council were to provide administrative support to a community group to apply for external funding and install an artwork at this site, what further issues would need to be considered before Council were to make such a decision?

The alignment of this project with Council's adopted strategies and policies would need to be considered.

It is important for Council to consider a broad public art approach across the whole LGA; to integrate future public art that can assist with the discouragement of unwanted graffiti. It may be that the Ella St location is not a prime spot to provide value and has limited opportunity for greater appreciation by members of the public.

Council would need to consider whether providing administrative support for this funding application is fair and equitable, given other community and sporting groups regularly apply to external funders, including to upgrade Council owned assets, without support from Officers.

The project is not currently included in Council's 2022/23 Project and Capital Works program. As Council does not have a grants officer or spare project management resources, providing administrative and project delivery support for this project would have an opportunity cost i.e. a project listed for delivery in 2022/23 may have to be delayed to a later financial year. It is recommended that the project be further scoped to provide a more accurate understanding of the costs, implications and approval processes during 2022/23 and that a more accurate budget bid for the required support be made in 2023/24.

19 CONCLUSION OF THE MEETING

The meeting concluded at 10:22pm

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the ordinary Council meeting held on 28 March 2022. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

Mayor Tanya Taylor