



Community & Environment Committee

Agenda: *Community & Environment Committee*

Date: *Monday 28 May 2012*

Time: *6.00pm*

Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Recommendation only to the Full Council (“R” Items)

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Matters which involve broad strategic or policy initiatives within responsibilities of Committee.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters delegated to the Council by the Traffic Authority of NSW.
- Matters not within the specified functions of the Committee,
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.
- Parks and Reserves Plans of Management (Strategies, Policies and Objectives).
- Residential Parking Schemes - Provision and Policies.

Delegated Authority (“D” Items)

- Community Services and Programs.
- Library Services
- Health.
- Licensing.
- Liquor Licences.
- Regulatory.
- Fire Protection Orders.
- Residential Parking Schemes (surveillance and administration).
- Traffic Management (Traffic Committee Recommendations).
- Waste Minimisation.
- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolution).
- Confirmation of the Minutes of its Meetings.
- Any other matter falling within the responsibility of the Community and Environment Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.
- Statutory reviews of Council's Delivery Program and Operational Plan.

Committee Membership:

7 Councillors

Quorum:

The quorum for a Committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

24 May 2012

To: Her Worship The Mayor, Councillor Susan Wynne ex-officio
Councillors Susan Jarnason (Chair)
Isabelle Shapiro
Anthony Boskovitz
Peter Cavanagh
Greg Medcraft
Andrew Petrie
Toni Zeltzer

Dear Councillors

Community & Environment Committee Meeting – 28 May 2012

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Community and Environment Committee** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 28 May 2012 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Other Matters

Meeting Agenda

Item	Subject	Pages
1	Leave of Absence and Apologies	
2	Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item	
3	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 14 May 2012	1
D2	Woollahra Local Traffic Committee Minutes – 21 May 2012 – 595.G 2012	2

Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Visitor Parking Permits – 467.G/Q10	4
R2	Public Art Advisory Committee Minutes – 1160.G Public Art	12
R3	Woollahra Municipal Council Public Art Trust -1160.G	27

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 14 May 2012**
Author: Les Windle, Manager - Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 14 May 2012 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

That the Minutes of the Community and Environment Committee Meeting of 14 May 2012 be taken as read and confirmed.

Les Windle
Manager – Governance

Item No: D2 Delegated to Committee
Subject: **Woollahra Local Traffic Committee Minutes – 21 May 2012**
Author: Tom O’Hanlon – Director, Technical Services
File No: 595.G 2012
Reason for Report: For the Committee to consider the recommendations of the Woollahra Local Traffic Committee.

Recommendation:

That the Recommendations Y7 contained in the minutes of the extraordinary meeting of the Woollahra Traffic Committee held on Monday 21 May 2012 be adopted.

Cathy Edwards-Davis
Manager – Engineering Services

Tom O’Hanlon
Director Technical Services

Woollahra Local Traffic Committee Minutes

An extraordinary meeting of the Woollahra Local Traffic Committee (Meeting No.02a/12) was held by email on Monday 21 May 2012.

1. Attendance

Committee Members:

Present:	Ms Cathy Edwards-Davis (Chairperson)	(Woollahra Municipal Council)
	Mr Michael Kayello	(Roads and Maritime Services)
	Snr Const Kylie Kemp	(Rose Bay Police - Traffic)
	Ms Robyn Attuell	(Clover Moore MP Representative)
	Mr John Giblin	(Gabrielle Upton MP Representative)
	Mr Eric Graham	(Sydney Buses)
	Mr Tom O'Hanlon	(Woollahra Municipal Council)
	Ms Shirlene Yee Yet	(Woollahra Municipal Council)
	Mr Frank Rotta	(Woollahra Municipal Council)
	Ms Carla Hetherington	(Woollahra Municipal Council)

2. Traffic Matters on Local Roads – Recommendation to C&E for Consideration

Item No:	Y7 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.
Subject:	Bike Route Implementation Works 2011/2012 - A6 Old South Head Road, Rose Bay
Author:	Daniel Pearse - Traffic & Development Engineer
File No:	256.G Bicycle Projects
Reason for Report:	Approval of works to install bicycle facility as part of Route A6 (Old South Head Road, Rose Bay) as per Woollahra's Bicycle Strategy (2009).

Committee Vote: Unanimous Support

Recommendation:

That the bicycle route works detailed in Plan 15143 - "Route A6 (PART) – Old South Head Road, Rose Bay" A6-00 (Rev F dated 25 February 2012) be approved for construction.

Cathy Edwards-Davis
Chair

Item No: R1 Recommendation to Council
Subject: Visitor Parking Permits
Author: Cathy Edwards-Davis, Manager Engineer Services
File No: 467.G/Q10
Reason for Report: Response to Notice of Motion

Recommendation:

- A. That Council trial a Visitor Parking Permit scheme such that all residential properties within Resident Parking Areas are entitled to ten (10) one-day single-use Visitor Parking Permits.
- B. That the trial Visitor Parking Permit scheme be placed on public exhibition for 28 days, including the proposed charge of \$2 per Visitor Parking Permit and any submissions be reported back to the Committee after the close of the exhibition period.
- C. That the trial Visitor Parking Permit scheme be reviewed in two years.

Background

Over the past few years, several Notices of Motion and Questions without Notice have been raised requesting investigation into the introduction of Visitor Parking Permits.

Woollahra Council has previously introduced a Resident Parking Permit Scheme in some areas, to give residents preferential access to the parking resource. However, in areas where there are parking restrictions, it is difficult for residents to have visitors for an extended period and/ or to have tradespeople over to undertake house maintenance.

Review of Other Councils

A review of Visitor Parking Permit schemes in other Sydney metropolitan Council areas was undertaken. This review revealed the following:

Council	Number of Visitor Permits Issued to Residents	Type of Permit	Cost of Permit	Businesses Eligible for Visitor Permits	Comments
Ashfield	No Visitor Parking Permit scheme in place				
Botany Bay	No Visitor Parking Permit scheme in place				
Canada Bay	1 per year	Permit valid for one year	Free	No	
City of Sydney	1 per year	Permit valid for one year	\$49.50	No	Not available in all parts of the City. Only available to residents in Forest Lodge, Glebe, Pyrmont, Ultimo and Millers Point who meet the criteria for a Resident Parking Permit

Council	Number of Visitor Permits Issued to Residents	Type of Permit	Cost of Permit	Businesses Eligible for Visitor Permits	Comments
Leichhardt	1 per year	Permit valid for one year	Free	No	Not available in all Permit Parking Scheme areas
Marrickville	30 per year	Permit valid for one day only Permits may be purchased in lots of 10 up to a maximum of 30.	\$2 each	No	“Scratchie” style Permits.
North Sydney	30 per year	Permit valid for one day only Permits may be purchased individually up to a maximum of 30.	\$1 each	No	“Scratchie” style Permits. The scheme has been in place since 2005
Randwick	No Visitor Parking Permit scheme in place				
Waverley	1 per year	Permit valid for one year	\$385	No	Residents have to nominate the registration number of their visitor’s vehicles. Only 3 visitors may be nominated to use the visitor pass. Residents of buildings constructed after 30 June 2002 are not eligible for Permits.

Analysis

Parking in parts of Woollahra is a big issue. Since Woollahra Council is unable to increase the supply of on-street parking, the only equitable way to manage the parking in some areas and give residents and visitors fair access to the resource, is to place time restrictions on the available parking spaces.

Clause 124 (1) of the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999 provides that a parking authority (Council) may issue a parking Permit authorising the parking of a vehicle without charge or time restrictions in a designated parking area or a road as specified on the Permit.

A Visitor Parking Permit scheme provides long duration parking for residents' visitors and tradespeople. Vehicles, which display the "Visitor Permit", are able to park in zones marked "permit holders excepted" and not be subject to the time restriction and/or parking meter fee.

The above review of Visitor Parking Permit entitlements at other Councils demonstrates that the schemes generally fall into one of two types:

- A single annual Visitor Parking Permit is issued that can be utilised every day of the year
- A fixed number of one-day single-use Visitor Parking Permits are issued in any one year

Woollahra Council's current Resident Parking Permit Scheme provides a maximum of two residential permits, less any off-street parking. If Council were to introduce a single annual Visitor Parking Permit which can be utilised every day of the year, it is highly likely that there would be some abuse of this scheme. Based on numerous anecdotal discussions, an annual Visitor Parking Permit is frequently utilised by the residents as an additional Resident Parking Permit. This effectively means that Council would be providing a maximum of three residential permits, less any off-street parking. In some parts of Woollahra, particularly the high demand areas, increasing permit entitlement will make parking all the more difficult for residents, let alone their visitors. This would increasingly result in those residents with legitimate Resident Parking Permits being unable to find a parking space when they return home.

Unlike a Resident Parking Permit, the annual Visitor Parking Permit is not generally registered to a particular vehicle. In interviews with other Councils it is evident that it is common for annual Visitor Parking Permits, which can be transferred from vehicle to vehicle, to go "missing". This may occur because the resident wants to fraudulently obtain an additional Permit or because the resident's visitor/tradesperson legitimately forgets to return the Permit to the resident. There is also evidence in some Council areas of residents on-selling the annual Visitor Parking Permit for profit.

Having interviewed numerous Traffic Engineers about Visitor Parking Permits, most Councils that have a single annual Visitor Parking Permit do not support this type of Permit due to the known abuse of the scheme. However, once such a generous Visitor Parking Permit scheme has been introduced, it is very difficult to withdraw such a service from the community.

A fixed number of one-day single-use Visitor Parking Permits means that residents are able to provide a parking option for visitors staying for an extended period and/or tradespeople. However, by limiting the total number of Visitor Parking Permits issued, the impact on the level of demand for the overall parking resource can be somewhat contained.

A resident may have off-street parking which may make them ineligible for a Resident Parking Permit. With a fixed number of one-day single-use Visitor Parking Permits, the scheme can be extended to these residents without unduly impacting on the overall parking resource. Although these residents may have off-street parking for their own vehicles, they are likely to still have an occasional need for extended parking for visitors and tradespeople.

It should be noted that visitors do not necessarily need a Visitor Parking Permit in order to visit a resident. A Visitor Parking Permit is only required where the visitor wishes to stay longer than the on-street restrictions, which are generally 2 Hours in residential areas, or 1 Hour in higher demand areas. There is also unrestricted parking available, although this is limited in the areas with very high demand for parking.

Recommended Scheme

Should Council be of a mind to introduce a Visitor Parking Permit scheme, then for the reasons stated above, it is recommended that Council proceed with a scheme that allows a fixed number of one-day single-use Visitor Parking Permits.

The Permits would be purchased in advance. The Permits would be in the form of a “scratchie” ticket where the year, month and date are scratched out to validate the pass on the nominated day. The pass is then displayed in the vehicle in a similar manner to a normal Resident Parking Permit.

A sample Permit from North Sydney is shown below. Marrickville has similar Permits in place. It is proposed that the Permits will be multi-coloured (similar to scratchie lottery tickets) with a hologram component. The Permits are individually numbered such that each Permit can be registered to the resident at the time of purchase. This will greatly assist in preventing illegal copies being made.



Scanned copy of a North Sydney Council Visitor Parking Permit

Initially, it is recommended that Council allow each residential property to have a maximum of ten one-day single-use Visitor Parking Permits. This will be further discussed below.

Anecdotally it is known that in other Council areas, some residents who have no need for Visitor Parking Permits will purchase their Permit entitlement and pass them onto their neighbours. Strictly speaking, this is an abuse of the proposed scheme. However, the total number of parking Permits issued is still capped to a maximum and therefore the impact on the total demand for parking is not unduly impacted.

It is anticipated that the use of Visitor Parking Permits by residents' tradespeople will only be utilised for small maintenance works on residential properties, lasting no more than a few days. Large developments will continue to make use of Council's separate Work Zone provisions.

It is recommended that the Visitor Parking Permit scheme operate under the following conditions:

- Visitor Parking Permits may be obtained by all permanent residents of the Woollahra Council area living within a Resident Parking Area, regardless of whether they are entitled to Resident Parking Permit/s
- Each residential property is entitled a maximum of ten (10) one-day single-use Visitor Parking Permits per year. The year is defined as the financial year, 1 July to 30 June.
- The Visitor Parking Permits do not have a stated expiry date on the Permit. However, the Permit "scratchie" panels only go up to the 31 December of the second year. This becomes the effective expiry date.
- Council will not issue a renewal notice. Onus is on the Permit holder to purchase new Visitor Parking Permits when the old ones expire.
- Where residents are living within a "share house" arrangement, the property is still only entitled to a maximum of ten Visitor Parking Permits and their distribution must be managed amongst the share house residents
- The Visitor Parking Permit exempts the bearer from the time limits and/or meter parking fees for one day only in the parking area written on the front of the Permit, where parking is signposted, "Permit Holders Excepted".
- Residents will only be issued with Visitor Parking Permits for the Residential Parking Area in which they live.
- The Visitor Parking Permits may be utilised by the residents' visitors, guests, tradespeople or carers
- A resident may choose to use a single Visitor Parking Permit at a time, or if they are having a large party, they may choose to utilise all ten Permits for the one event. The management of the Permits is up to the individual resident
- The Permit is not valid for use on a caravan, box trailer, or boat trailer or any vehicle which exceeds 3 tonnes.
- Businesses are not entitled to Visitor Parking Permits
- Non-resident owners are not entitled to Visitor Parking Permits
- Short-stay residents and hotel guests are not entitled to Visitor Parking Permits
- Visitor Parking Permits may be purchased from Council's Customer Service Centre
- An application for Visitor Parking Permits must be accompanied by a minimum of two forms of identification that prove residency
- Where the resident is renting the property, an application for Visitor Parking Permits must be accompanied by the Residential Tenancy Lease which shows a minimum lease period of six months
- There will be no refunds or replacements issued for unused Visitor Parking Permits, as this would result in additional administration and printing costs
- There will be no refunds or replacements issued for Visitor Parking Permits which have been incorrectly or mistakenly scratched, as this would result in additional administration and printing costs
- The Permit must be placed on the left-hand side of the vehicle's front dashboard.
- The Permit is valid only if it is clearly visible to an authorised officer.
- The Permit is valid only if one date has been scratched off (ie. the day of use).
- Unscratched Permits are not valid
- Misuse of a Permit is an offence
- Permits are not transferable
- Permits always remain the property of Council

Visitor Parking Permit Cost

There are a number of costs associated with running a Visitor Parking Permit scheme, namely:

- The printing cost of the “scratchie” style Visitor Parking Permits
- The administration cost associated with the Customer Service staff receiving and checking the application for the Visitor Parking Permit, including evidence of residency and administration associated with entering this information into Council’s Authority database.
- The administration cost associated with both Customer Service staff and Traffic staff managing the overall resident/ visitor parking scheme including answering enquiries, responding to correspondence, investigating requests for the installation of new resident parking and preparing reports for the Traffic Committee.
- The cost of installing and maintaining resident (and visitor) parking signage.

Each permit costs in the order of \$0.30 to \$0.50 each to print, depending on the size of the print run. It is estimated that the other administration, management and signage costs add up to about \$2.10 per permit. The total cost of each Permit is therefore approximately \$2.40 to \$2.60.

The charge to residents for the Visitor Parking Permits could be levied in a number of ways:

- Council could choose to provide this service to its residents at a nominal rate. The Visitor Parking Permit scheme is an additional service to residents which is likely to be well received by most residents. This service, offered at a nominal rate, could provide a positive public relations opportunity.
- Council could choose to provide this service to its residents at a full cost recovery rate. The downside to this approach is that many residents will not have a complete understanding of the full cost of managing and administering the scheme. They may therefore perceive that the Visitor Parking Permits are being charged at an exorbitantly high price. Some residents have a perception that they “own” the parking near their property. They may therefore resent having to pay this higher cost. Full cost recovery may go part way to discouraging fraudulent behaviour associated with the Permits.
- Council could charge a fee somewhere between the nominal rate and the full cost recovery rate.

It is recommended that Council offer the Visitor Parking Permits at a rate of \$2 each. This will cover the cost of printing the Permits and partially cover the administration costs.

Resident and Visitor Parking Review

Initially, it is recommended that Council provide each residential property with a maximum of ten one-day single-use Visitor Parking Permits.

At the moment, Council does not have a comprehensive understanding of the parking resource. That is, there is limited knowledge about the overall number of parking spaces throughout Woollahra (the supply) and the parking occupancy rates in different areas (the demand). Council staff are in the process of reviewing the parking resource, on a prioritised basis. That is, staff are concentrating on areas where Council has received resident complaints, and in known high demand parking areas such as Paddington. This review is being undertaken as time permits in the context of limited staff resources.

As Council does not have a detailed understanding of the parking resource, it is difficult to fully quantify the likely impact of providing each residential property in Woollahra with ten Visitor Parking Permits per year. Therefore, a sample area in Paddington was selected to analyse. Paddington was chosen as it is a known high demand parking area. The area chosen was that bounded by William Street, Paddington Street, Jersey Road and Oxford Street.

As a “worst case” scenario, it is assumed that all of the 856 residential properties within this area take up their full Visitor Parking Permit entitlement of ten Permits per year. This will result in 8,560 Permits issued per year. Therefore, on an average day 23.5 Permits will be in use across the area (8560/365).

There are approximately 578 on-street parking spaces in this area. Depending on the size of vehicles and how closely they park together, the total number of parking spaces may be slightly more or less than this. This figure excludes Loading Zones and other parking zones which cannot generally be utilised by residents’ visitors. On an average day, the Visitor Parking Permits will therefore take up 4.1% of the parking resource (23.5/578).

The parking occupancy rates in the above streets are high. On average, they are in the order of 80 to 90%. At times, occupancy rates do reach 100% in these streets. It should be reiterated that the above figures assume all residents take up their full ten Permit entitlement. In the North Sydney Council area in 2005 when the scheme was first introduced, 10,603 Permits were issued to 726 households out of a total of approximately 30,000 households. In 2009, this had risen to 55,643 Permits issued to 3,372 households. It is clear therefore that the full Visitor Parking Permit entitlement is unlikely to be taken up. Demand for Visitor Parking Permits will be highest in the areas with the highest demand for parking overall.

The above information indicates that the introduction of a Visitor Parking Permit scheme which allows residential properties ten one-day Permits per year will have a modest impact on the parking resource in terms of occupancy rates. Paddington is an area within Woollahra that has one of the highest levels of demand for parking and it has been modelled on a “worst case” scenario basis. On the above analysis, should Council resolve to proceed with a Visitor Parking Permit scheme, it is felt that residents, visitors and business customers should still be able to find a parking space within a reasonable distance of their destination.

Once a Visitor Parking Permit scheme has been introduced, it will be difficult to remove this service from residents. For this reason, it is recommended that Council introduce a limited scheme of just 10 Permits per year initially. Once Council has progressed its review of the parking resource in the Woollahra area, the Visitor Parking Permit scheme can also be reviewed. It *may* be appropriate in the future to increase the Visitor Parking Permit entitlement.

When the Visitor Parking Permit scheme was introduced into North Sydney in 2005, the Council initially allowed each residential properties to have a maximum of 20 Visitor Parking Permits per year. Following a review in 2006, when more information was available, this was increased to 30 Visitor Parking Permits.

In most areas of Woollahra a maximum of two residential parking permits will be issued per property. The exception is the Rose Bay Garden Estate where there is a maximum of one residential parking permit issued per property. The reason for this is that the on-street parking is in such short supply that if Council were to allow two permits per property, there physically would not be sufficient parking spaces for all of the vehicles with permits. Council could consider limiting the number of Visitor Parking Permits issued in this area, as well, for the same reason. It is however recommended that this area also be permitted ten Visitor Parking Permits per property. The reasons for this include:

- This increases equity for residents across the Municipality
- Resident parking permits may be utilised every day and therefore they have a significant impact on the scarce parking resource. However, as demonstrated in the review of Paddington above, the Visitor Parking Permits will have a modest impact on the overall parking resource.
- This will simplify the administration associated with the Visitor Parking Permit scheme
- This entitlement can be investigated as part of the overall Visitor Parking Permit scheme review

Implementation

Should Council decide to proceed with the introduction of Visitor Parking Permits, there will be some lead time required to implement the system. Staff will need to arrange for the Permits themselves to be printed. There are a limited number of printers in Sydney who have the capacity to print the recommended “scratchie” style Permits. Staff will also need to make modifications to Council’s software systems to allow for the recording of when, the number and to whom Visitor Parking Permits have been sold.

Once the Visitor Parking Permit scheme has been implemented, it is recommended that scheme be publicised through the local paper and on Council’s website. Most residents are relatively familiar with Resident Parking Permit schemes. However, it will take some time for the Visitor Parking Permit scheme to be widely known and therefore utilised by residents.

Identification of Income & Expenditure:

The proposed \$2 fee for the Visitor Parking Permits will recover the printing cost and some of the administration cost associated with the proposed scheme.

Cathy Edwards-Davis
Manager Engineering Services

Tom O’Hanlon
Director Technical Services

Item No: R2 Recommendation to Council
Subject: **Public Art Advisory Committee Minutes**
Author: Maria Lacey, Public Art and Cultural Development Officer
File No: 1160.G Public Art
Reason for Report: To table the minutes of the Public Art Advisory Committee meeting held on 4 April 2012.

Recommendation:

- A. THAT the minutes of the Public Art Advisory Committee meeting held on Wednesday 4 April 2012 be noted and endorsed.
- B. THAT the Section 94A contribution to public art, currently identified in Council's draft 2012/2013 budget, be allocated to commission the sculpture *Seated Woman II* by Sam Harrison as part of the Women in Woollahra project.

Background:

This report outlines the meeting held by the Public Art Advisory Committee (PAAC) on 4 April 2012 (Annexure 1) and consideration of the selection of a public artwork for 2012/13.

Public Art Projects 2012:

The commencement and completion of some PAAC generated public art priority projects 2011/12 were discussed and evaluated. A summary and update of their respective directions are as follows:

1. Royal Hospital for Women Park: Council has adopted Mikala Dwyer's *Egg Swing* as the artwork for the park.
2. Traffic Signal Box Project: The project was successfully completed in end of March. PAAC is discussing appropriate boxes for inclusion in next year's project.
3. Temporary Art Installation Program: A fourth sculpture, *The Wall* by Guy Buseyne, is to be placed at Trumper Park, Paddington. The sculpture donation *It Takes Two* by Gillie and Marc will not be placed at the private site on Brodie Street, Paddington. An alternative site is to be found. A loan proposal from Tim Olsen Gallery will be considered for the program.
4. Public Art Trust: A draft Trust Deed has been written and will be discussed by the Public Art Trust Committee together with lawyer Roland Gridiger. Following the formalisation of the Deed, a report will be presented to Council.

Major Projects 2012/13

PAAC discussed the allocation of the funding for Major Projects 2012/13 in relation to the sculpture *Seated Woman II* by Sam Harrison, which was shortlisted for the Royal Hospital for Women Park public art project. This discussion developed in light of the success of shortlisting two excellent sculptures for the Royal Hospital for Women Park, as both works displayed outstanding artistic merit and relevance as public artworks in the Municipality.

In 2011, the Royal Hospital for Women Park public artwork was adopted as the key art project and was subsequently approved to a value of \$100,000 in the 2011/2012 capital works budget. Following the approval by Council, PAAC formed a subcommittee for the selection of a piece of high quality public art of significant merit by an artist who could give consideration to advice arising from a community consultation process.

To successfully find an artist and artwork which could navigate the complexities of the competing user groups, the sensitive nature of the subject matter and the high profile of the Royal Hospital for Women Park, the subcommittee decided to seek curatorial advice on the process of developing a site specific brief and the selection of the artist and the artwork. The subcommittee (with the support of PAAC) appointed Barbara Flynn as the Curator for this project. Following a shortlisting process, the Curator recommended the following three artists which she considered appropriate and capable of delivering a site specific piece of public art of high artistic merit for the park:

- Samuel Harrison - a young up and coming New Zealand artist, primarily creating works of a figurative nature.
- Mikala Dwyer - an in-demand artist and 2003 Woollahra Small Sculpture Prize Winner, who creates a diverse range of installation style pieces with playful elements.
- Linda Marrinon - an established artist, primarily creating works of a figurative nature.

At the February PAAC meeting all three artists and their proposed sculptures were discussed at length. PAAC found that Sam Harrison's *Seated Woman II* and Mikala Dwyer's *Egg Swing* both corresponded most satisfactorily to the brief and the artistic qualities of these works made it difficult to make a recommendation to Council. Following some further community consultation, PAAC finally recommended that *Egg Swing* by Mikala Dwyer be commissioned for the Royal Hospital for Women Park art project (Annexure 2) and Council adopted in March 2012 to undertake this commission.

The subcommittee and Curator still believed that *Seated Woman II* by Samuel Harrison was a sculpture of high artistic merit that would be a valuable addition to other sites within Woollahra. As such, PAAC discussed the allocation of the funding for Major Projects 2012/13 from Section 94A to commission *Seated Woman II* by Sam Harrison (Annexure 3), in relation to the Women in Woollahra project and that the artwork would be placed in Blackburn Gardens.

The Women in Woollahra project was developed as a result of a Notice of Motion adopted by Council on 13th March, 2006:

"That a report be brought forward to the Community & Environment Committee proposing an appropriate memorial in recognition of Woollahra's first female Alderman, Ald. Belle Miller and of the contribution of women that have followed her lead."

PAAC re-visited the project background (Annexure 4) and the objectives and criteria outlined in the draft Artist Brief. PAAC concluded that the sculpture strongly addresses the project's objectives of commemorating women's contribution to Woollahra. Sam's pieces are classical Greco-Roman nude pieces in plaster or bronze. Sam is well known for his ability to capture his model's mood or thoughts and although nude, his works are never gratuitous and always appropriate for public display. *Seated Woman II* is a reflective piece which captures the commemorative angle of the project.

PAAC recommended that *Seated Woman II* by Sam Harrison be considered as the artwork to be funded from the public art contribution from section 94A, as the major project for 2012/13. In recommending *Seated Woman II* by Sam Harrison Council will be able to maximise the benefit of engaging the Curator for the selection process of high quality artworks for two adopted public art projects, namely the Royal Hospital for Women Park art project and Women in Woollahra project.

Offer of Sculpture Donation:

Council has received an offer of a sculpture donation from a private resident. The sculpture *Gertrude* was offered as a donation, should there be a memorial garden at the Royal Hospital for Women Park. PAAC recommends that Council not accept the donation due to the personal subject matter and unsuitable size of sculpture for a larger public park area.

Conclusion:

PAAC is satisfied with the progress, commencement and completion of the Public Art Projects currently undertaken.

Maria Lacey
Cultural Development Officer

Kylie Walshe
Director – Community Services

ANNEXURES:

1. Minutes of the Public Art Advisory Committee Meeting, Wednesday 4 April 2012.
2. Report Royal Hospital for Women Park art project
3. *Seated Woman II* by Sam Harrison.
4. *Women in Woollahra* – background information.

Item No: R3 Recommendation to Council
Subject: **Woollahra Municipal Council Public Art Trust**
Author: Maria Lacey, Public Art and Cultural Development Officer
File No: 1160.G
Reason for Report: Establishment of a Woollahra Municipal Council Public Art Trust and approval of the formalised Deed document.

Recommendation:

- A. THAT Council support the establishment of a Woollahra Municipal Council Public Art Trust.
- B. THAT Council adopt the proposed Woollahra Municipal Council Public Art Trust Deed document.

Background:

Since August 2010, the Public Art Advisory Committee (PAAC) has listed the investigation of a Woollahra Municipal Council Public Art Trust (hereafter referred to as the Trust, or Public Art Trust) as an agenda item at its meetings. A Public Art Trust will be in accordance with Woollahra Council's adopted DPOP 2009-2013, by "*strengthening and supporting cultural partnerships and improving accessibility of visual arts to the broader community*". The establishment of a Trust would encourage and stimulate philanthropy from within, as well as outside, the local community, for the benefit of the local community. The funds of, or artwork donations to, the Trust would directly encourage the cultural life of the local community, creating new opportunities for public art and building on already existing endeavours.

The characteristics of the Public Art Trust will be as follows:

- a not for profit organisation;
- a separate legal entity with Deductible Gift Recipient status
- Terms of Reference/Terms of Trustees in the Trust Deed adopted by Council;
- a Public Art Trust Deed as the legal document and the working framework for the operation of the Trust; and
- the governance, leadership and formation of the Public Art Trust and its Trustees to be determined following consultation with legal experts in relation to the needs and requirements of Woollahra Council.

Progress to date:

The following actions have been pursued to date:

- On 28 March 2011 Council resolved the following (see Annexure 1 for full report):
 - A. *That Council support in-principle the establishment of a Woollahra Municipal Council Public Art Trust.*
 - B. *That Council obtain expert legal advice on the preparation of a Public Art Trust and deed.*
 - C. *That a further report on the outcomes of the Public Art Trust be submitted to Council once legal advice has been obtained.*

- In September 2011 Lowensteins Art Management obtained on behalf of Council an informal ruling from the Australian Taxation Office (ATO) that the Trust would be eligible for the Deductible Gift Recipient status.
- 31 October 2011, the Public Art Trust Committee was formed (see Annexure 2) to identify the preferred structure of the Trust and the role of Trustees.
- In January 2012 Council engaged legal expert Roland Gridiger from Gridiger Lawyers to consult and draft a Public Art Trust Deed.

The next step is the adoption of the Trust Deed by Council. It is essential to adopt the Trust Deed and formalise the Public Art Trust prior to making a formal application to ATO and commencing the operation of the Trust.

Deed Proposal:

The draft Deed was presented to the Public Art Trust Committee meeting on 23 April 2012 (Annexure 3). The Committee discussed with Roland Gridiger issues that needed clarification and amendments. In particular, the Committee queried the wording of E and F in regards to the 'Objects of the Trust'. Roland Gridiger advised that the particular wording relates to the collection of works and not a physical gallery (see Annexure 5). The revised Public Art Trust Deed (see Annexure 4) is now presented for Council's consideration.

The Deed will be the legal document for the establishment of the Public Art Trust. It stipulates that the objects of the Trust are to:

- (A)
 - (i) promote the collection of artworks
 - (ii) develop and encourage the advancement of an arts education policy
 - (iii) promote the use of the artworks
 - (v) commission any works of art for the enjoyment and cultural advantage of the residents of the Municipality of Woollahra and visitors to Woollahra;
- (B) apply to the Australian Taxation Office for gift deductibility pursuant to Division 30 of the Income Tax Assessment Act 1997 as a public art gallery in item 4 of the table in section 30-15, Subdivision 30-B items 12.1.2-12.1.5 in section 30-100 and Subdivision 30-D;
- (C) establish and maintain a Public Fund;
- (D) invite the public to contribute to the Fund;
- (E) develop a Collection Policy and Arts Strategy for the Woollahra Municipal Art Gallery;
- (F) manage the Woollahra Municipal Art Gallery.

The draft Deed stipulates that the Trustees of the Trust shall consist of the following persons:

- The Mayor of the Council during the term that they hold office, or alternate nominated by Mayor.
- The Chairperson of the Public Art Advisory Committee, or Councillor nominated by the Mayor.
- Three representatives who hold public office or have a responsible position in the community, appointed by the Mayor.

Implementation of Trust

Pending Council approval of the proposed Public Art Trust Deed the following tasks will be commenced by Council staff and/or the Public Art Trust Committee members:

- Application to be lodged on behalf of Council by Lowensteins Art Management with the Australian Taxation Office to gain tax deductible status.
- The Public Art Trust Committee to approach potential Trustees
- Identification of the operational relationship between Council and Trust, including:
 - The display of artworks owned by the Trust in the Municipality.
 - Allocation of Council staff time in relation to matters of the Trust.
 - Guidelines for potential engagement of Council services by the Trust.
 - The relationship between the Public Art Trust and Council's Public Art Advisory Committee (PAAC).
 - Drafting a number of support documents, such as a Collection Policy, De-Acquisition Policy, Art Strategy and Arts Education Policy for the Trust. These documents will be finalised after appropriate consultation with Trustees and the Public Art Trust Committee/Chair of PAAC.

Conclusion:

The Public Art Trust would be in accordance with Woollahra Council's adopted DPOP 2009-2013, by *'strengthening and supporting cultural partnerships and improving accessibility of visual arts to the broader community'*.

The Public Art Trust will act as an incentive to increase philanthropy of public art and encourage an ongoing cultural engagement with the residents and visitors of the Woollahra Municipality. The commitment and art industry expertise of the Trustees will expand the cultural engagement of Council and its Public Art Programs.

The adoption of the proposed Trust Deed will allow Council to continue its pursuit of a Public Art Trust and enable Council to obtain a final ruling from ATO of Deductible Gift Recipient status for the Public Art Trust.

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Annexures:

1. Public Art Trust Report Community & Environment 28 March 2011
2. Minutes Public Art Trust Committee 31 October 2011
3. Minutes Public Art Trust Committee 23 April 2012
4. Draft Public Art Trust Deed
5. Correspondence from Gridiger Lawyers

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