

# **AGENDA**

Notice is hereby given that a Ordinary Northern Beaches Council Meeting will be held in the Council Chambers at the Civic Centre, Dee Why on

# **Tuesday 13 August 2024**

Beginning at 6:00pm for the purpose of considering and determining matters included in this agenda.

Scott Phillips Chief Executive Officer

# **OUR VISION**

Delivering the highest quality service valued and trusted by our community

# **OUR VALUES**

Trust Teamwork Respect Integrity Service Leadership

# **OUR OBLIGATIONS**

I swear/solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Northern Beaches and the Northern Beaches Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

# **ORDER OF BUSINESS**

1.0	ACKNOWLEDGEMENT OF COUNTRY		
2.0	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE		
3.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS		
3.1	Minutes of the Ordinary Northern Beaches Council Meeting held on 30 July 2024		
4.0	DISCLOSURES OF INTEREST		
5.0	PUBLIC FORUM AND PUBLIC ADDRESS		
6.0	ITEMS RESOLVED BY EXCEPTION		
7.0	MAYORAL MINUTES		
	Nil		
8.0	CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS		
	Nil		
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9.1	Audit Risk and Improvement Committee Confirmed Minutes - 13 March 2024 and Annual Report 20237		
9.2	Monthly Investment Report - June 20249		
9.3	Motions for Local Government NSW Annual Conference 2024		
10.0	COMMUNITY AND RECREATION DIVISION REPORTS		
	Nil		
11.0	ENVIRONMENT AND OPEN SPACE DIVISION REPORTS		
	Nil		
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18.2	RFT 2023/139 - Dee Why Beach Gross Pollutant Trap (GPT)	
18.3	Mayoral Minute No 14/2024 - Annual Performance Review of the Chief Executive Officer July 2023 - June 2024	
19.0	REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION	

# 1.0 ACKNOWLEDGEMENT OF COUNTRY

As a sign of respect, Northern Beaches Council acknowledges the traditional custodians of these lands on which we gather and pays respect to Elders past and present.

# 2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

In accordance with Part 6 of the Code of Meeting Practice, Council will consider apologies, requests for leave of absence, and requests to attend meetings remotely via audio-visual link.

# 3.0 CONFIRMATION OF MINUTES

# 3.1 MINUTES OF THE ORDINARY NORTHERN BEACHES COUNCIL MEETING HELD ON 30 JULY 2024

#### RECOMMENDATION

That the minutes of the Ordinary Northern Beaches Council Meeting held on 30 July 2024, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

# 4.0 DISCLOSURES OF INTEREST

In accordance with Part 17 of the Code of Meeting Practice, all Councillors must disclose and manage any conflicts of interest they may have in matters being considered at the meeting.

A councillor who has a **pecuniary interest** in any matter with which Council is concerned, and who is present at a meeting of Council at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

The councillor must not be present at, or in sight of, the meeting:

- a. at any time during which the matter is being considered or discussed, or
- b. at any time during which Council is voting on any question in relation to the matter.

A councillor who has a **significant non-pecuniary** conflict of interest in a matter under consideration at a Council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.

A councillor who determines that they have a non-pecuniary conflict of interest in a matter that is **not significant** and does not require further action, when disclosing the interest must also explain why the conflict is not significant and does not require further action in the circumstances.

# 5.0 PUBLIC FORUM AND PUBLIC ADDRESS

In accordance with Part 5 of the Code of Meeting Practice, residents, ratepayers, applicants or other persons may request to address Council in relation to any one matter related to the general business of Council but not the subject of a report on the agenda (Public Forum) and no more than two matters listed for consideration on the agenda (Public Address).

# 6.0 ITEMS RESOLVED BY EXCEPTION

In accordance with Part 14 of the Code of Meeting Practice, items that are dealt with by exception are items where the recommendations contained in the staff reports in the agenda are adopted without discussion.

# 9.0 CORPORATE SERVICES DIVISION REPORTS

# ITEM 9.1 AUDIT RISK AND IMPROVEMENT COMMITTEE CONFIRMED MINUTES - 13 MARCH 2024 AND ANNUAL REPORT 2023

#### **PURPOSE**

The purpose of this report is to provide the confirmed minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on 13 March 2024 and its 2023 Annual Report.

#### **EXECUTIVE SUMMARY**

- The ARIC plays a pivotal role providing Council with independent assurance and advice.
- In accordance with Council's requirements, the confirmed minutes of the ARIC meeting held on 13 March 2024 are reported to Council.
- At its 30 April 2024 meeting Council adopted new Terms of Reference for the ARIC which are consistent with the Model Terms of Reference issued by the Office of Local Government.
- The new <u>Terms of Reference</u> commenced on 1 July 2024 to align with the commencement of amendments to the Local Government (General) Regulation 2021 (Regulation), that set out new requirements for ARICs.
- In line with the reporting requirements outlined in clause 5.1 of the former ARIC Charter (which applied up until 1 July 2024), the Chair of the ARIC has submitted an Annual Report to the Council on the Committee's operations.
- The ARIC Annual Report highlights its activities over 2023.

#### RECOMMENDATION

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on 13 March 2024 and the ARIC Annual Report for 2023.

#### **BACKGROUND**

Amendments made to the Local Government (General) Regulation 2021 (Regulation) commenced on 1 July 2024 and set out new requirements for Audit, Risk and Improvement Committees (ARICs).

The Office of Local Government (OLG) has released <u>Guidelines for Risk Management and Internal Audit for Local Government in NSW</u> (Guidelines) and Model Terms of Reference for ARICs to, among other things, support and guide the operation of ARICs.

To be compliant with the new requirements Council adopted new ARIC Terms of Reference commencing from 1 July 2024.

#### DISCUSSION

In accordance with Council's requirements, the confirmed minutes of the ARIC meeting held on 13 March 2024 are reported to Council (Attachment 1).

In line with the reporting requirements outlined in clause 5.1 of the former ARIC Charter, the Chair of the ARIC has submitted an Annual Report (Attachment 2) to the Council on the Committee's operations for the 2023 calendar year. The Charter was replaced by new Terms of Reference on 1 July 2024.

#### FINANCIAL CONSIDERATIONS

The recommendations of this report do not result in any change to the existing Council budget.

#### **GOVERNANCE AND RISK CONSIDERATIONS**

Councils are required to have an ARIC in accordance with section 428A of the Act. Councils are required to comply with the Guidelines from 1 July 2024 and, commencing with the 2024/25 annual report, to attest to their compliance with the requirements in their annual reports.

The recommendations in this report are consistent with the ARIC Terms of Reference and in line with the requirements of the former ARIC Charter which applied during the reporting period.

#### **ENVIRONMENTAL CONSIDERATIONS**

There are no adverse environmental impacts arising from this report.

#### SOCIAL CONSIDERATIONS

The recommendations in this report maintain social outcomes for the community. The ARIC's oversight aims to ensure that appropriate controls are in place for risk exposures as they relate to the strategic objectives of Council, and to satisfy itself that Council is taking a fully informed risk-based approach.

#### **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcome and Goal:

 Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance & Risk		
TRIM file ref	2024/313340		
Attachments	<ul> <li>⇒1 ARIC minutes 13 March 2024 (Included In Attachments Booklet)</li> <li>⇒2 ARIC Annual Report 2023 (Included In Attachments Booklet)</li> </ul>		

# ITEM 9.2 MONTHLY INVESTMENT REPORT - JUNE 2024

#### **PURPOSE**

The purpose of this report is to provide details of all money that Council has invested under section 625 of the *Local Government Act 1993* (Act).

#### **EXECUTIVE SUMMARY**

- In accordance with section 212 of the Local Government (General) Regulation 2021 (Regulation), the Responsible Accounting Officer must provide Council with a written report on a monthly basis setting out details of all money that Council has invested under section 625 of the Act.
- The Responsible Accounting Officer has certified that the investments listed in the report have been made in accordance with the Act, the Regulation and Council's Investment Policy.
- As at 30 June 2024, Council had total cash and investments of \$200,996,910 comprising:

Trading Accounts \$9,486,839

Investments \$191,510,071

- The portfolio achieved a return of 0.42% for the month of June, which was 0.07% above the benchmark AusBond Bank Bill Index return of 0.35%.
- The weighted average interest rate of the portfolio at month end is 5.17% compared to 5.07% for the prior month.
- Total investment income for June was \$860,889 compared to budgeted income for the month of \$445,163. Year to date income is \$10,508,036 compared to budget of \$6,235,238 principally as a result of both a higher than anticipated level of investments and higher investment interest rates.

#### RECOMMENDATION

That Council note the Investment Report as at 30 June 2024, including the certification by the Responsible Accounting Officer.

#### **BACKGROUND**

In accordance with section 212 of the Local Government (General) Regulation 2021 (Regulation), a report setting out the details of money invested must be presented to Council on a monthly basis.

The report must also include certification as to whether or not the investments have been made in accordance with the *Local Government Act 1993*, the Regulation and Council's Investment Policy.

The details of the report (the key aspects of which are in the Executive Summary) are set out below, together with the Responsible Accounting Officer's certification.

#### **CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER**

I hereby certify that the investments listed in this report have been made in accordance with section 625 of the *Local Government Act 1993*, section 212 of the Local Government (General) Regulation 2021 and existing Investment Policies – *David Walsh Chief Financial Officer*.

#### **INVESTMENT REPORT**

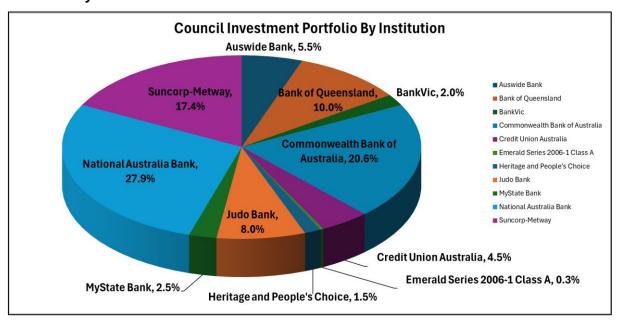
#### **Investment Balances**

	INVESTMENT BA	ALANCES			
	As at 30-Jun	-2024			
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTERES RATE
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	8,673,401			4.40%
National Australia Bank Ltd	A1+	4,970			4.35%
	_	8,678,371			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+ _	5,140,682		At Call	4.45%
		5,140,682			
Mortgage Backed Securities					
Emerald Series 2006-1 Class A	A* _	576,938	17-Jul-06	21-Aug-51	5.6926%
		576,938			
Term Deposits					
National Australia Bank Ltd	A1+	3,000,000	31-Aug-23	02-Jul-24	5.15%
Suncorp-Metway Ltd	A1	2,000,000	12-Oct-23	04-Jul-24	5.10%
Bank of Queensland Ltd	A2	2,000,000	23-Oct-23	09-Jul-24	5.18%
Bank of Queensland Ltd	A2	2,000,000	23-Oct-23	11-Jul-24	5.18%
National Australia Bank Ltd	A1+	3,000,000	31-Aug-23	16-Jul-24	5.16%
Suncorp-Metway Ltd	A1	2,000,000	14-Nov-23	18-Jul-24	5.35%
Suncorp-Metway Ltd	A1	2,000,000	14-Nov-23	23-Jul-24	5.40%
Suncorp-Metway Ltd	A1	2,000,000	14-Nov-23	25-Jul-24	5.40%
Heritage and People's Choice Limited	A2	3,000,000	25-Jul-23	30-Jul-24	5.65%
Credit Union Australia Ltd	A2	2,000,000	31-Aug-23	01-Aug-24	5.20%
Credit Union Australia Ltd	A2	2,000,000	31-Aug-23	06-Aug-24	5.20%
Credit Union Australia Ltd	A2	2,000,000	31-Aug-23	08-Aug-24	5.20%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	15-Aug-23	13-Aug-24	5.60%
Suncorp-Metway Ltd	A1	2,000,000	31-Oct-23	15-Aug-24	5.42%
BankVic	A2	2,000,000	16-Nov-23	20-Aug-24	5.50%
BankVic	A2	2,000,000	16-Nov-23	22-Aug-24	5.50%
Suncorp-Metway Ltd	A1	3,000,000	31-Oct-23	27-Aug-24	5.42%
Judo Bank	A2	2,000,000	30-Nov-23	03-Sep-24	5.45%
Auswide Bank Limited	A2	2,000,000	29-Nov-23	05-Sep-24	5.45%
National Australia Bank Ltd	A1+	3,000,000	12-Sep-23	10-Sep-24	5.20%
Auswide Bank Limited	A2	2,000,000	29-Nov-23	12-Sep-24	5.45%
Auswide Bank Limited	A2	2,000,000	29-Nov-23	17-Sep-24	5.45%
Auswide Bank Limited	A2	2,000,000	29-Nov-23	19-Sep-24	5.45%
Auswide Bank Limited  Auswide Bank Limited	A2	3,000,000	29-Nov-23	24-Sep-24	5.45%
Bank of Queensland Ltd	A2	2,000,000	30-Nov-23	26-Sep-24	5.40%
Judo Bank	A2	2,000,000	30-Nov-23	01-Oct-24	5.45%
Bank of Queensland Ltd	A2 A2	2,000,000	05-Nov-23	03-Oct-24	5.45%
Credit Union Australia Ltd	A2 A2	3,000,000	05-Dec-23	08-Oct-24	
Suncorp-Metway Ltd	A2 A1	2,000,000	03-Dec-23 01-Feb-24	08-Oct-24	5.38%
Suncorp-Metway Ltd Suncorp-Metway Ltd	A1	2,000,000	25-Jan-24	10-Oct-24	5.14%
Suncorp-Metway Ltd Suncorp-Metway Ltd	A1	2,000,000	25-Jan-24 25-Jan-24	10-Oct-24 15-Oct-24	5.20% 5.20%

INVESTMENT BALANCES As at 30-Jun-2024					
INSTITUTION	RATING	AMOUNT	DATE	MATURITY	INTEREST
Term Deposits (continued)		\$	INVESTED	DATE	RATE
Suncorp-Metway Ltd	A1	2,000,000	01-Feb-24	17-Oct-24	5.14%
Suncorp-Metway Ltd	A1	3,000,000	30-Jan-24	22-Oct-24	5.18%
Suncorp-Metway Ltd	A1	2,000,000	08-Feb-24	22-Oct-24	5.20%
Suncorp-Metway Ltd	A1	2,000,000	08-Feb-24	24-Oct-24	5.20%
Bank of Queensland Ltd	A2	2,000,000	22-Feb-24	29-Oct-24	5.10%
Bank of Queensland Ltd	A2	2,000,000	22-Feb-24	31-Oct-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	13-Feb-24	05-Nov-24	5.15%
Bank of Queensland Ltd	A2	1,000,000	22-Feb-24	05-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	27-Feb-24	07-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	27-Feb-24	12-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	14-Nov-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	27-Feb-24	19-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	19-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	21-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	26-Nov-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	29-Feb-24	03-Dec-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	05-Dec-24 05-Dec-24	5.10%
Suncorp-Metway Ltd	A1	2,000,000	07-Mar-24	10-Dec-24	5.10%
Suncorp-Metway Ltd	A1	2,000,000	07-Mar-24	12-Dec-24	5.17%
Suncorp-Metway Ltd	A1	3,000,000	07-Mar-24	17-Dec-24	5.17%
National Australia Bank Ltd	A1+	1,000,000	11-Apr-24	17-Dec-24	5.05%
Judo Bank	A2	2,000,000	11-Apr-24	19-Dec-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	27-Jun-24	23-Dec-24	5.35%
Judo Bank	A2	2,000,000	11-Apr-24	23-Dec-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	30-Apr-24	02-Jan-25	5.20%
National Australia Bank Ltd	A1+	2,000,000	11-Apr-24	07-Jan-25	5.05%
National Australia Bank Ltd	A1+	2,000,000	30-Apr-24	09-Jan-25	5.20%
Judo Bank	A2	4,000,000	09-May-24	14-Jan-25	5.20%
Bank of Queensland Ltd	A2	2,000,000	16-May-24	16-Jan-25	5.10%
Bank of Queensland Ltd	A2	2,000,000	16-May-24	21-Jan-25	5.10%
National Australia Bank Ltd	A1+	2,000,000	31-May-24	23-Jan-25	5.15%
National Australia Bank Ltd	A1+	2,000,000	27-Jun-24	28-Jan-25	5.35%
National Australia Bank Ltd	A1+	3,000,000	02-May-24	28-Jan-25	5.20%
MyState Bank Ltd	A2	2,000,000	30-May-24	30-Jan-25	5.15%
National Australia Bank Ltd	A1+	2,000,000	31-May-24	04-Feb-25	5.15%
National Australia Bank Ltd	A1+	2,000,000	31-May-24	06-Feb-25	5.15%
Judo Bank	A2	4,000,000	23-May-24	11-Feb-25	5.15%
MyState Bank Ltd	A2	3,000,000	30-May-24	25-Feb-25	5.20%
Bank of Queensland Ltd	A2	3,000,000	28-Jun-24	11-Mar-25	5.30%
National Australia Bank Ltd	A1+	3,000,000	13-Jun-24	17-Jun-25	5.25%
		162,000,000	- <del> </del>		3.2070
Kimbriki Environmental Enterprises Pty Ltd		- , ,			
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	808,468			4.30%
	-	808,468			
At Call Accounts		223, 100			
Commonwealth Bank of Australia Ltd	A1+	1,376,146		At Call	4.35%
Commonwealth Bank of Australia Ltd	A1+	2,319,948		At Call	4.35%
		3,696,094			
Term Deposits		3,003,004			
Commonwealth Bank of Australia Ltd	A1+	1,000,000	04-Apr-24	04-Jun-24	4.54%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	17-Apr-24	17-Jun-24	4.54%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	05-Mar-24	08-Jul-24	4.57%
Commonwealth Bank of Australia Ltd	A1+	16,096,356	28-Aug-23	28-Aug-24	5.41%
Commonwealth Daint of Australia Eta			20 / lug 20	20 / lug 2-7	J₹1/0
Total Cash and Investments		20,096,356 200,996,910			
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<sup>\*</sup>Rating is based on a private rating advised by the issuer to Council's Investment Advisors.

# **Portfolio Analysis**



# Institutional Credit Framework - Compliance with Investment Policy Requirements

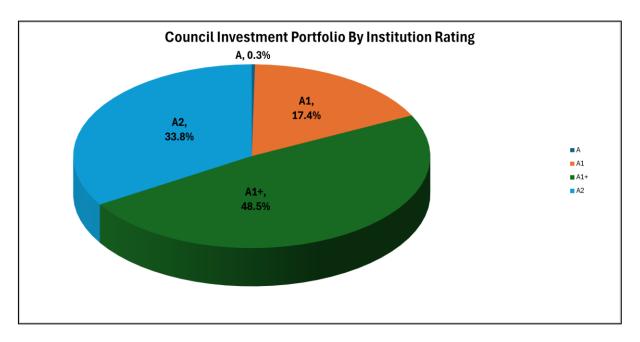
Clause 4.2.2 of Council's Investment Policy requires that the exposure to an individual institution be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %	Portfolio Complies with Policy?	
AAA (incl. government guaranteed deposits)		-00/		
AA+	A-1+	50%	Yes	
AA				
AA-				
A+		400/	Vaa	
А	A-1	40%	Yes	
A-		30%		
BBB+	A-2		30% Y	Yes
BBB				
BBB-	A-3	10%	Yes	
Unrated**TCorp Funds	Unrated**	5%	Yes (\$Nil)	
Unrated***ADIs	Unrated***	\$250,000	Yes (\$Nil)	

<sup>\*</sup> Or Moody's / Fitch equivalents

<sup>\*\*</sup> Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities

<sup>\*\*\*</sup> Unrated ADIs Category is restricted to those ADIs that are under the Australian government guarantee scheme and limited to maximum \$250,000 per unrated ADI.



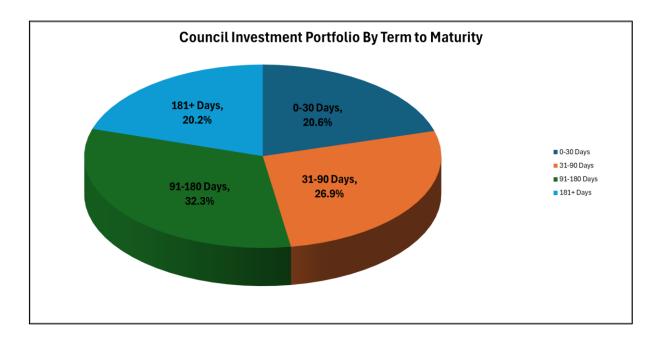
# Overall Portfolio Credit Framework - Compliance with Investment Policy Requirements

Clause 4.2.1 of Council's Investment Policy requires that the total percentage exposure within the market to any particular credit rating category be limited, as detailed in the table below:

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %	Portfolio Complies with Policy?
AAA (incl. government guaranteed deposits)		4000/	
AA+	A-1+	100%	Yes
AA			
AA-			
A+	0.4	100%	Yes
А	A-1		res
A-		80% Yes	
BBB+	A-2		Yes
BBB			
BBB-	A-3	30%	Yes
Unrated**	Unrated**	5%	Yes (\$Nil)

Or Moody's / Fitch equivalents

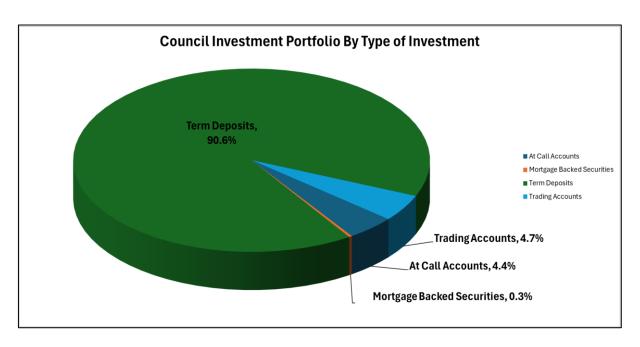
<sup>\*\*</sup> Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities and ADIs covered by the government guarantee scheme.



# Term to Maturity Framework – Compliance with Investment Policy Requirements

Clause 4.2.4 of Council's Investment Policy requires Council's investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to	Portfolio Complies with Policy?		
Portfolio % <1 year	Min 40%	Max 100%	Yes
Portfolio % >1 year ≤3 year	Min 0%	Max 60%	Yes
Portfolio % >3 year ≤5 year	Min 0%	Max 30%	Yes



#### **Investment Performance vs Benchmark**

# a) Portfolio Return vs Benchmark

	Investment Portfolio Return *	Benchmark: AusBond Bank Bill Index
1 Month	0.420%	0.35%
3 Months	1.291%	1.08%
FYTD	5.214%	4.37%
12 Months	5.214%	4.37%

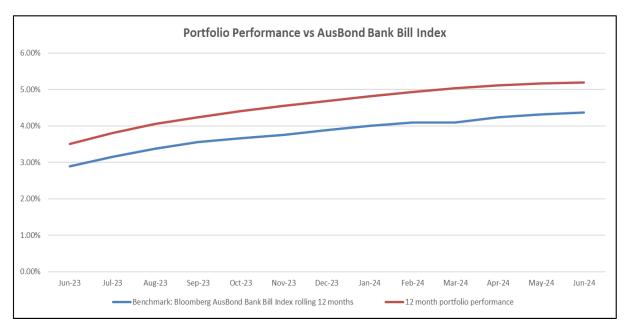
Excludes trading account balances

Council's Investment Advisors have stated this form of portfolio reporting conforms to global investment performance standards and that these standards say that periods below 12 months should not be annualised.

The above table shows a comparison of Council's investment portfolio return to the benchmark. Council's Investment Advisor, Laminar Capital, has created an accumulation index for the portfolio which increases each month by the portfolio internal rate of return to enable meaningful comparison to the benchmark AusBond Bank Bill index, which is an accumulation index.

The Bloomberg AusBond Bank Bill Index is engineered to measure the Australian money market by representing a passively managed short term money market portfolio. This index is comprised of 13 synthetic instruments defined by rates interpolated from the RBA 24-hour cash rate, 1M BBSW, and 3M BBSW.

The portfolio achieved a return of 0.42% for the month of June which was 0.07% above the benchmark AusBond Bank Bill Index return of 0.35%. For the past 12 months the portfolio achieved a return of 5.214% which was 0.844% above the benchmark AusBond Bank Bill Index return of 4.37%.



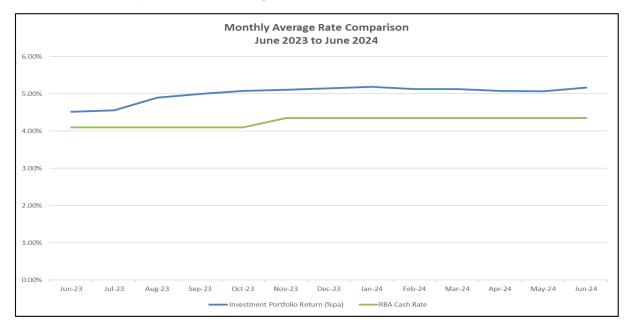
# b) Portfolio Interest Rate vs Benchmark

	Weighted Average Portfolio Interest Rate (%pa) *	Average RBA Cash Rate
1 Month	5.17%	4.35%
3 Months	5.11%	4.35%
6 Months	5.13%	4.35%
FYTD	5.05%	4.27%
12 Months	5.05%	4.27%

<sup>\*</sup> Excludes trading account balances

The above table shows the weighted average interest rate of the portfolio as at month end. This is an average of all the interest rates that each term deposit is earning. It is the current earning rate of the portfolio, and this information is useful as it shows how the earning rate is changing each month in line with changes in market interest rates. Each time a term deposit matures during the month it is being reinvested at current interest rates. To facilitate meaningful comparison, the weighted average interest rate of the portfolio is compared to the average Reserve Bank of Australia Cash Rate for the same period.

The weighted average interest rate of the portfolio is 5.17% compared to prior month's rate of 5.07%. For the past 12 months the weighted average interest rate of the portfolio was 5.05% compared to the average Reserve Bank of Australia Cash Rate of 4.27%.

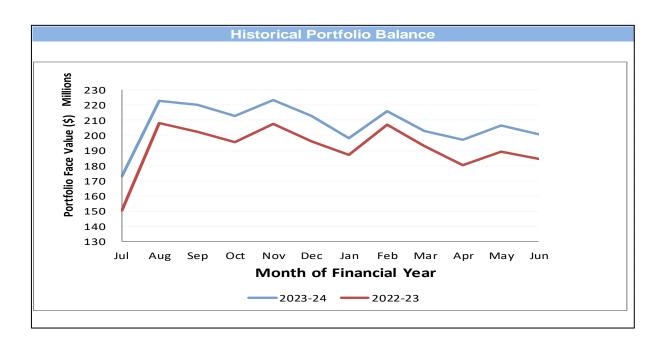


# **Monthly Investment Income\* vs Budget**

	Jun 2024 \$	Year to Date \$
Investment Income	860,888	10,482,650
Adjustment for Fair Value	1	25,386
Total Investment Income	860,889	10,508,036
Budgeted Income	445,163	6,235,238

<sup>\*</sup>Includes all cash and investment holdings

Histo	orical Portfolio Balance	
	2023-24	2022-23
Jul	172,792,796	150,084,380
Aug	222,700,387	207,972,249
Sep	220,000,804	202,385,068
Oct	213,097,673	195,360,642
Nov	223,142,220	207,563,253
Dec	213,002,977	196,306,324
Jan	197,991,561	187,257,340
Feb	215,827,161	207,336,465
Mar	202,989,895	192,847,150
Apr	197,263,664	180,536,376
May	206,476,518	188,995,234
Jun	200,996,910	184,295,641
Average Portfolio Balance	207,190,214	191,745,010



# **Statement of Compliance**

Portfolio Performance vs Bank Bill Index over 12-month period.	•	Council's investment performance did exceed benchmark.
Monthly Income vs Budget	•	Council's income from investments did exceed monthly budget.

# **Investment Policy Compliance**

Legislative Requirements	~	Fully compliant
Portfolio Credit Rating Limit	•	Fully compliant
Institutional Exposure Limits	~	Fully compliant
Term to Maturity Limits	~	Fully compliant

# Restricted cash, cash equivalents and investments

The information required in relation to the breakdown of restricted cash, cash equivalents and investments was not available for the current month within the timeframe for the completion of the Monthly Investment Report as it is subject to the completion of Council's Financial Statements as at 30 June 2024.

Information in relation to restricted cash, cash equivalents and investments will be provided in the next Monthly Investment Report.

#### **ECONOMIC NOTES**

(Source: Primarily extracted from information supplied by Laminar Capital Pty Ltd)

In most major economies growth seemed slow enough in June to hold out hope of a patchy moderation in inflation and allowed some central banks including the Bank of Canada and European Central Bank to start cutting interest rates. The US Federal Reserve and the Bank of England decided to wait longer at their June meetings before cutting while the RBA is an odd one out, facing stickier inflation than elsewhere and considering another rate hike at its meeting in June before deciding to stay on hold.

Government bond yields had a mixed month. US bond yields moved lower in June reflecting the possibility of a modest Fed rate cutting cycle ahead. Australian bond yields, in contrast, rose a little as the market started to build in the possibility of a rate hike in August. An unexpected rise in annual inflation in May saw a bigger lift in Australian bond yields before moderating towards the month-end.

Major share markets had a mixed performance in June. Some experienced gains including the US S&P 500 and Japan's Nikkei, both up 2.9% in June, as well as Australia's ASX 200, up 0.9%. However, European share markets lost ground in June with the imminent elections in France and Britain weighing on sentiment. Chinese share markets were also weaker in June reflecting China's soft economic growth prospects weighed down by the continuing weakness of property development companies. Hong Kong's Hang Seng fell 2.0% in June while China's CSI fell 3.3%.

Briefly looking at the year ending June 2024, America's comparatively firm economic growth and leadership in artificial intelligence companies saw the S&P 500 up 24.8% and the tech-heavy NASDAQ up 28.6%. Japan's Nikkei also showed a handsome gain of 19.3% and even after recent setbacks Europe's major markets showed good gains with Germany's DAX up 12.9% and Britain's FTSE 100 up 8.9%. Australia's ASX 200 was up 7.8%. China's persistent property sector issues casting a shadow over its economic performance resulted in a mostly soft share market over the year with the CSI down by 9.9% and Hong Kong's Hang Seng down by 6.3%.

Returning to the June month, mixed share market performance was reflected in credit markets. In Australia, households and businesses are under pressure from comparatively high interest rates but continue to cope better than might have been expected given predominantly floating interest rates on borrowings and a high household debt burden by international comparison. High and rising house prices mean that the still small cohort of households defaulting on home loans are not making losses on home sales. Another cash rate hike, if it occurs, may mean more households defaulting but limited by rising wages, tax cuts and higher government support payments boosting household disposable income.

The lift in household disposable income this year (a greater lift than is likely in most other countries) represents a two-edged sword both potentially boosting demand in the economy but also potentially sustaining inflation pressure. Already, Australian inflation is showing signs of tracking higher and being stickier than elsewhere internationally. The May CPI report shows annual inflation lifting to 4.0% with underlying (trimmed mean) inflation rising to 4.4% which goes materially against the grain of inflation tracking high 2 to low 3% range in the US and mid to high 2% in Europe.

Australia's relatively poorer bond market performance looks set to persist as the RBA wrangles with an inflation outlook making it less likely it can get inflation below 3% by the end of next year. In the near-term, there are key factors that are still supporting inflation nearer to 4% than 3% including wage growth running around 4% y-o-y with still no appreciable improvement in productivity and tax cuts and additional government payments supporting demand growth in the economy in excess of limited growth in supply (a problem that is acute still in housing a big component of the CPI).

#### **FINANCIAL CONSIDERATIONS**

Actual investment income for the period from 1 July 2023 to date was \$10,508,036 compared to budgeted income of \$6,235,238, a positive variance of \$4,272,798 principally as a result of both a higher than anticipated level of investments and higher investment interest rates.

#### **GOVERNANCE AND RISK CONSIDERATIONS**

A revised Investment Policy was adopted by Council at its meeting on 26 July 2022. The Policy is reviewed annually by the Audit, Risk and Improvement Committee. It was reviewed by the Committee at its meeting in December 2023, and no changes to the Policy were proposed.

Council's Investment Strategy was reviewed in August 2023 by Council's Investment Advisors, Laminar Capital Pty Ltd, who confirmed that the current policy "remains consistent with the Ministerial Investment Order and guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet" and that they "do not recommend any changes to the list of approved investments or credit limit frameworks".

#### **ENVIRONMENTAL CONSIDERATIONS**

Council's investments are managed in accordance with Council's Investment Policy. Council's Investment Policy requires consideration of environmental responsibility when making investment decisions.

#### SOCIAL CONSIDERATIONS

Council's investments are managed in accordance with Council's Investment Policy. Council's Investment Policy requires consideration of social responsibility when making investment decisions.

# **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcome and Goal:

• Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Finance
TRIM file ref	2024/492721
Attachments	Nil

# ITEM 9.3 MOTIONS FOR LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2024

#### **PURPOSE**

The purpose of this report is to recommend motions to submit to the Local Government NSW (LGNSW) annual conference to be held Sunday 17 to Tuesday 19 November 2024.

#### **EXECUTIVE SUMMARY**

- LGNSW is the peak industry body for councils across NSW and its annual conference is the main policy-making event for all NSW councils and associate members.
- The 2024 conference will be held in Tamworth between Sunday 17 and Tuesday 19 November 2024.
- Motions proposed to be submitted to the annual conference are first required to be supported by Council resolution.
- Seven draft motions are provided for Council's consideration for submission to the conference, regarding:
  - E-Bike safety
  - Learn to swim programs
  - Surf club funding
  - Animal management
  - Private certification
  - Coastal management
  - Built environment response to climate change
- A separate report to identify the 10 councillors who will be nominated as Council's voting delegates will be put to the first Council meeting of the new term on 8 October 2024.

#### RECOMMENDATION

That Council endorse the draft motions contained in this report seeking their inclusion in the business paper of the LGNSW 2024 Annual Conference.

#### **BACKGROUND**

Local Government NSW (LGNSW) is the peak industry body for councils in NSW. Every year LGNSW holds an annual conference which is the primary policy-making event.

LGNSW members are invited to submit motions for possible debate at the annual conference. A motion that is endorsed at the annual conference by a majority of voting delegates becomes a resolution and resolutions eventually form LGNSW's policy and advocacy agenda.

The 2024 <u>annual conference</u> will be held from Sunday 17 to Tuesday 19 November 2024 at Tamworth Regional Entertainment and Conference Centre.

Northern Beaches Council is entitled to send up to 10 voting delegates to the conference. A report will be provided to the first meeting of the new term of Council to identify voting delegates to the conference, with nominated delegates to be advised to LGNSW by 6 November 2024.

Regardless of whether a councillor is nominated as a voting delegate, all councillors may apply to attend the conference through the normal councillor expenses and facilities budget and processes.

#### **DISCUSSION**

Councillors wishing to place motions on the agenda for the annual conference will first require those motions to be supported by Council resolution. Motions intended for the conference must be relevant for the entire sector generally.

LGNSW is encouraging Councils to submit motions from 16 August with a deadline of 20 October 2024. The final opportunity for the Council to resolve to submit a motion to the annual conference is the Ordinary Council meeting on 15 October 2024.

A number of draft motions are provided for Council's consideration, as issues impacting the Northern Beaches as well as councils across the state more broadly.

#### 1. E-bike safety

Council in consultation with local stakeholders including the Northern Beaches Police Area Command, local schools and Bicycle NSW has launched its own community awareness campaign to tackle issues relating to the sudden increase in e-bikes.

Council continues to take a leading role in advocating for the NSW Government to undertake a review of the relevant road rules including writing to the NSW Minister for Roads and Transport and all councils across NSW to support action on Council's safety concerns.

Should Council seek to address this issue at the 2024 annual conference, an appropriate motion would be:

That Local Government NSW advocates for:

- 1. The development of a community awareness and safety campaign to improve pedestrian and rider safety in respect of e-bikes and e-scooters, including but not limited to education on the current laws in respect of all electric micro mobility devices.
- 2. A review of the current NSW Road Rules 2014 and Regulations under the Road Transport Act 2013 to make any necessary changes to improve public safety and to focus on key risk areas:
  - a) Speeding of e-bikes and bicycles on shared paths
  - b) E-bike riders approaching and passing pedestrians safely
  - c) The carrying of 3 or more pillion passengers on e-bikes and bicycles
  - d) The altering of e-bike systems to prevent the requirement for pedaling or preventing top speed controls

- e) Setting an appropriate maximum size and weight of an e-bike to reduce risks to pedestrians.
- The NSW Government to provide capital grants to local government councils to assist with safety improvements to shared paths and/or the separating of e-bikes and bicycles from pedestrians.

#### 2. Learn to swim programs

Swimming provides lasting health benefits including bone and muscle health, heart and cardiovascular strength, improved mental wellbeing and coordination and reduced risk of serious illnesses. Learning to swim not only provides people with a skill that can support their wellbeing, it is also reduces the risk of drowning accidents.

In response to the increased rate of drownings experienced over the 2023/24 summer, Council may seek to put forward a motion to the 2024 annual conference, as drafted below:

That Local Government NSW advocates that the NSW Government provide increased funding to families for learn to swim programs and peak lifesaving bodies for additional safety measures including defibrillators and educational beach safety signage.

# 3. Surf club facilities funding

Surf clubs and their facilities are essential to delivering critical support and response to coastal emergencies and incidents.

The increase in female participation, population growth and growing numbers of visitors combined with climate change effects, like rising sea levels and severe storms, are placing significant pressure on these critical community buildings. In many cases the most cost-effective way to meet these needs is to re-build at a cost of between \$5-15 million per surf clubhouse.

A significant investment is needed, and coastal communities need financial assistance from the NSW Government to maintain this emergency service. Should Council seek to address this issue at the 2024 annual conference, an appropriate motion would be:

That Local Government NSW advocates to the NSW Government for increased funding for surf club facilities for coastal communities.

#### 4. Animal management

To broaden LGNSW's advocacy priorities in relation to companion animals and consistent with recent advocacy by Council to the Office of Local Government on the review of the *Companion Animals Act 1998*, Council may wish to consider the following motion for submission to the 2024 annual conference.

That Local Government NSW advocates for:

- 1. A review of the statutory provisions for the management of cats in the Companion Animals Act, particularly management of nuisance/roaming cats and strengthening this area, given the challenges that local council has in responding to community concerns about destructive behaviours of roaming cats, particularly towards wildlife.
- 2. A review of the penalty amounts, particularly for dog attack offences, and for penalty amounts to be based on the severity of incidents.
- 3. Implementation of a requirement for mandatory behavioural training of dogs/puppies at the time of registration or within 6 months of purchase, with accompanying penalties for failure to comply.
- 4. Introduction of mechanisms to ban persons from owning a dog on serious circumstances.
- 5. Incentivising the desexing of dogs and cats older than 6 months.

#### 5. Private certification

To introduce additional considerations in LGNSW's advocacy agenda in relation to private certifiers, Council may wish to consider the following motion for submission to the 2024 annual conference.

That Local Government NSW advocates for:

- 1. The strengthening of the NSW planning system to restore public confidence in the building certification process.
- 2. Any review of the Environmental Planning and Assessment Act and Regulations focussing on matters such as powers of enforcement for councils and certifiers, circumstances in which principal certifiers can be replaced, timing for challenging the validity of a CDC and transparent and open access to certification records.

# 6. Coastal management

Consistent with Council's previous submissions to the Coastal Council's Group and to broaden LGNSW's advocacy agenda in relation to coastal management, Council may wish to consider the following motion for submission to the 2024 annual conference.

That Local Government NSW advocates for:

- 1. Significant change to the coastal management framework in NSW to respond to:
  - a. increasing withdrawal of the State Government from coastal management in NSW resulting in councils with varying capacities looking to address very complex and historic issues without the necessary legislative and regulatory guidance.
  - b. current failings of the NSW Coastal Management Framework which can be seen in the lack of genuine progress in solving historic legacy issues and no clear planning or actions to ensure resilient coastal environments and communities into the future.

# 7. Built environment response to climate change

Consistent with Council's previous submissions on the National Construction Code and to broaden LGNSW's advocacy agenda in relation to climate change, Council may wish to consider the following motion for submission to the 2024 annual conference.

That Local Government NSW advocates to relevant NSW Government agencies:

- 1. That all new residential developments must operate without reliance on fossil fuels (e.g. natural gas) in line with net-zero targets and to protect indoor air quality.
- 2. To implement NatHERS 7-star energy ratings to apply to multi-residential buildings five storeys and under.
- 3. To accept and implement the National Construction Code (NCC) 2022 Liveable (accessible) Housing provisions to be applicable to all residential dwellings, consistent with other states and territories.
- 4. For enhanced protections for mature native trees, as well as a clear pathway to guarantee Sydney reaches its 40% canopy target by 2036, particularly in light of the proposed Lowand Mid-Rise Housing Reforms, where the maximum floor space ratio allowance is likely to hinder achieving this target.
- 5. To exclude high-risk flood-prone land in the Sydney metropolitan area from development uplift proposed as part of Low- and Mid-Rise Housing Reforms.

#### FINANCIAL CONSIDERATIONS

Budget is available for councillor attendance at conferences in accordance with the Councillor Expenses and Facilities Policy

# **GOVERNANCE AND RISK CONSIDERATIONS**

There are no significant governance or risk considerations relating to this report. Council complies with the LGNSW conference rules with regards to motions and nominations as voting delegates.

# **ENVIRONMENTAL CONSIDERATIONS**

There are no significant environmental considerations relating to this report.

#### **SOCIAL CONSIDERATIONS**

There is benefit in councillors interacting with other metropolitan, regional and rural councils to share knowledge of trends and ideas across the sector.

#### **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcome and Goal:

• Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance
TRIM file ref	2024/552415
Attachments	Nil

# 12.0 PLANNING AND PLACE DIVISION REPORTS

# ITEM 12.1 RESPONSE TO NOTICE OF MOTION 12/2024 - RESPONSIBLE DOG AND CAT OWNERSHIP

NOTE: This item was listed on the agenda but not dealt with at the 30 July 2024 Council meeting.

#### **PURPOSE**

The purpose of this report is to provide the information requested in Council's resolution in respect of Notice of Motion No 12/2024 – Responsible Dog and Cat Ownership.

#### **EXECUTIVE SUMMARY**

- Resolution 088/24 required the Chief Executive Officer to, among other things, provide a
  report on activities undertaken by Council to encourage responsible dog and cat ownership,
  and options to increase responsible dog and cat ownership.
- The Companion Animals Act 1998 (the Act) outlines the obligations on dog and cat owners to responsibly manage their pets to minimise safety, amenity and environmental impacts.
- Council has powers to enforce the Act in connection with the failure to effectively control companion animals (dogs and cats).
- A number of educational and training activities are being undertaken by Council staff in partnerhip with local vets, NSW RSPCA and animal behaviour experts to improve awareness, confidence and etiquette in the use of public spaces to exercise dogs.
- Additional targeted training and information sessions are planned in hot spot areas, incentivised with free training sessions and complimentary giveaways and promotional material.
- The Office of Local Government (OLG) is currently reviewing the allocation and utilisation of the NSW Companion Animals Fund. Council staff have advocated on behalf of Council to the OLG, identifying opportunities to improve the statutory framework around the management of dogs and cats.

# **RECOMMENDATION**

That Council note the report outlining Council's administration of the *Companion Animals Act* 1998.

#### **BACKGROUND**

On 30 April 2024 Council resolved (Resolution 088/24):

#### That:

- 1. Council note resourcing of the compliance team is currently being considered as part of an ongoing service review, which will consider the level of staff resourcing for rangers.
- 2. The Chief Executive Officer provide a report within 4 months on:
  - a. the activities undertaken by Council at present to encourage responsible dog and cat ownership
  - b. options for further educational campaigns which could be developed to educate local residents on responsible dog and cat ownership, and the potential cost of any such options
  - c. options for incentives which could be offered to local residents to encourage them to take their dog to training classes, and the potential cost of such options
  - d. any other opportunities to encourage responsible dog and cat ownership
  - e. any representations which could be made to the State Government concerning the function of the Companion Animals Act 1998 and its resourcing in this area.

#### DISCUSSION

#### Overview

The Companion Animals Act 1998 (NSW) places obligations on the owners of companion animals (dogs and cats), including the requirement for the animals to be microchipped and registered on the NSW Companion Animal Register by 12 weeks of age, and unless there is a valid exemption, to ensure that their dogs are under the effective control at all times when out in public.

In addition to keeping effective control of the animal, dog owners are also obliged to clean up immediately after their dog if it defecates in a public place or on any other place to which the public are entitled to use.

At present, cats can roam freely outside the property on which they are normally kept, except for designated cat prohibited zones such as a wildlife protection area. Cats must not however, make persistent noise that unreasonably interferes with the peace, comfort, or convenience of any person in any other premises, or to repeatedly damage anything outside the property on which they are ordinarily kept.

Council is a regulatory agency and can enforce breaches of the Act.

Within the Northern Beaches local government area, there are 248,143 registered and microchipped dogs and 98,860 registered and microchipped cats. Council sends out registration reminders to customers and follows up with enforcement action where appropriate.

Council's Rangers team undertake proactive and reactive patrols of local parks and reserves and employ a mix of enforcement and education to inform dog owners in particular of their responsibilities and to encourage responsible and equitable use of our public spaces.

The Rangers team also undertake mailouts to encourage registration of animals, and to ensure that current registrations are kept up to date. For example, the Act requires animal owners to ensure changes in an animal's ownership status are updated on the NSW Government's Companion Animals Register, or if an animal has passed away.

Council is also a regular participant on the regional companion animal network of local councils, which is also attended by the Office of Local Government, and Council staff actively participate in this forum to share information and advocate on behalf of Council.

A dedicated Animal Education Officer (AEO) role is currently being developed for the Rangers team and is anticipated to be filled by the end of 2024. The focus of this role will be to educate and inform pet owners to improve responsible dog and cat ownership within the community. The AEO will also work closely with the NSW RSPCA, local vets and other animal agencies to organise community events in key hot spot locations, develop educational materials and identify opportunities to engage proactively with the community.

# Current initiatives to educate and raise awareness

Over the past year number of actions are underway to educate animal owners and to encourage responsible dog and cat ownership within the community.

#### **Dogs**

On 26 July 2023 Council held a free Responsible Dog Ownership session in Dee Why, facilitated by a respected animal behavioural expert. The session addressed dog behaviour and training tips, information on dealing with aggressive dogs, what to do if attacked by a dog, responsible dog ownership and registrations of animals.

More recently, 2 of 3 planned free Barking Dog/Enrichment Seminars were held over 17 June 2024 (Mona Vale) and 25 June 2024 (Dee Why), with the third session planned for Manly on 22 July 2024. The events are jointly facilitated by Council staff and animal behavioural experts the Pet Professional Guild Australia. These sessions focussed on creating an enriched environment to alleviate barking, crating tips and updating registration details on the Companion Animal Register.

A pop-up information event was held at Bunnings Balgowlah in October 2023 a further event is scheduled for August 2024. Another event at Manly Beach front was held in partnership with the RSPCA in January 2024.

Information and publicity for all events are circulated through local media, social media and through Council's local vets.

#### Additional opportunities

In addition to the above, the following events and activities are also currently being planned:

1. Free educational days supported by Council's pound providers and veterinary specialists focusing on barking and nuisance dogs.

The key areas of focus will be:

- a. reduction of nuisance barking
- b. strategies to reduce dog and cat noise pollution
- c. addressing community concerns arising from nuisance dog and cat behaviours.
- 2. Two puppy pre-schools are planned to be run on an annual basis in partnership with Council's pound providers and veterinary specialists implementing puppy preschool sessions between the ages of 8 weeks and 6 months. To attend, puppies would need to be must fully vaccinated and identified in the Companion Animal Registry. The cost of puppy preschools would be \$250 for 5 lessons.
- 3. A mailout to all primary schools in the local area to provide information on the 'Living Safely with Pets School Program'. This school program targets students in Grades K to 2 and educates children on 'What it means to be a responsible pet owner and how to live safely with dogs'. This information will also be provided on Council's website and shared via community e-news and social media platforms to support this program.
- 4. Assistance Animals Developing mail out materials to educate the community about Assistance Animals.

- 5. Four Weekend pop-ups are planned on an annual basis to provide information and assistance off leash guidelines, updating registration details and what to do if your dog is attacked.
- 6. Promotional and educational materials such as leashes, balls, toys are currently being sourced to be used for complimentary giveaways at training and educational events.

#### Cats

- 1. As a member of the NSW RSPCA Keeping Cats Safe at Home Program, Council continues to engage with the community to normalise containment of cats to encourage behaviour change and deter undesirable feline behaviours such as night-time roaming and unwanted litters.
- 2. Council staff undertook a community education program including providing hundreds of copies of our 'Protect Your Cat, Protect Your Wildlife' brochure to residents living near Manly's penguin critical habitat area.
- 3. Council offers school holiday programs on responsible cat ownership through the Coastal Environment Centre's school holiday program (Kids on the Coast).
- 4. A promotional competition gave away 50 cat enclosures to community members on the basis that they agree to become ambassadors for the program to promote indoor cat enclosures. The competition provided 50 x \$500 vouchers to spend at Cat Nets (NSW RSPCA partner).
- 5. In 2023, also Council ran a competition for owners to win a \$1,000 voucher towards building cat enclosures at home.
- 6. Council is continuing its grant support to assist our 2 Northern Beaches animal pounds with management of stray and pet cats with subsidised de-sexing to decrease unwanted litters and roaming/hunting behaviours, microchipping programs, and waiving or reducing Council cat registration fees.
- 7. Council is continuing its partnership with Safe Re-homing to enable cats unable to be rehomed on the Northern Beaches to be given the opportunity of rehoming elsewhere.

# **Advocacy**

The Office of Local Government (OLG) is currently undertaking a range of reviews and inquiries into animal welfare and management, including consideration of the appropriate application of the Companion Animals Fund.

As part of this exercise, in April 2024 the OLG undertook a survey across councils in NSW, which gave Council staff an opportunity to advocate on behalf of Council on key aspects of concern and opportunities for improvement within the current statutory framework, including potential opportunities to incentivise or mandate behavioural training.

The following matters were identified opportunities to strengthen the current statutory framework around the management of companion animals:

- 1. implementing a requirement for mandatory behavioural training of dogs/puppies at time of registration or within 6 months of purchase for example, with accompanying penalties for failure to do so
- 2. reviewing the statutory provisions for the management of cats, particularly management of nuisance/roaming cats and strengthening this area, as local councils often have challenges with responding to community concerns regarding destructive behaviours of roaming cats, particularly towards wildlife
- 3. reviewing the penalty amounts, particularly for dog attacks, and for penalty amounts to be based on the severity of incidents

- 4. introducing a mechanism to ban persons from owning a dog in serious circumstances
- 5. incentivising desexing dogs and cats older than 6 months of age.

#### **CONSULTATION**

The actions and initiatives within this report are developed in consultation with Council's animal pound suppliers and local vets, and partner behavioural experts.

#### **TIMING**

There are no timing issues.

#### **FINANCIAL CONSIDERATIONS**

These events were included in the existing budget, funded from a range of sources including an allocation from NSW Office of Local Government Companion Animal Fund.

#### **GOVERNANCE AND RISK CONSIDERATIONS**

The actions undertaken and proposed minimise risk of adverse interactions and potential harm to native wildlife and other animals on public and private land.

#### **ENVIRONMENTAL CONSIDERATIONS**

The proposed actions in this report will result in a beneficial environmental outcome by minimising harm to wildlife and flora.

#### **SOCIAL CONSIDERATIONS**

The recommendations in this report will have a positive social outcome for the community by raising awareness of responsible companion animal ownership.

#### **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcome and Goal:

• Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community.

Reporting team	Environmental Compliance
TRIM file ref	2024/561843
Attachments	Nil

# 13.0 TRANSPORT AND ASSETS DIVISION REPORTS

# ITEM 13.1 RESPONSE TO NOTICE OF MOTION NO 24/2023 - KILLARNEY HEIGHTS SHOPS PUBLIC TOILETS

NOTE: This item was listed on the agenda but not dealt with at the 30 July 2024 Council meeting.

#### **PURPOSE**

The purpose of this report is present the findings in relation to investigations undertaken in response to Council's resolution (Resolution 273/23) at its Ordinary Meeting on 26 September 2023 with respect of Notice of Motion No 24/2023 - Killarney Heights Shops Public Toilets.

#### **EXECUTIVE SUMMARY**

- In response to Resolution 273/23 in respect of Notice of Motion No 24/2023 Killarney Heights Shops Public Toilets, investigations were undertaken into the potential provision of public toilets in the Killarney Heights shopping area, the community's views with respect to need and the costs involved.
- Killarney Heights has a small shopping area with a variety of retail shops, cafes, a bakery, a pizza gelato bar and other commercial businesses including a dance studio.
- Community surveys undertaken identified strong support for the provision of public amenities in Killarney Heights shopping village.
- Council owns land adjacent to the Killarney Heights shopping area where it may be feasible to locate a new toilet block
- Capital costs for a new public toilet are estimated to be around \$400,000 and maintenance and operational costs are estimated at approximately \$30,500 annually.
- Council does not currently have funds allocated in the Long Term Financial Plan for the construction and maintenance of these additional public amenities.

# **RECOMMENDATION**

That Council note the report.

#### **BACKGROUND**

On 26 September 2023, Council resolved (Resolution 273/23) the following:

That Council:

- 1. Staff provide a report to Council on the cost and potential timeline for providing Killarney Heights shops with much needed public toilets.
- Investigate the need and priority through business and community surveys, engagement and feedback and reports its findings in the report back to Council.

#### DISCUSSION

Killarney Heights has a small shopping area within Tramore Place, located across the road from Killarney Heights primary school. The shopping area includes a variety of retail shops, cafes, a bakery, a pizza gelato bar and other commercial businesses, including a dance studio.

Council has recently upgraded the playground and public space around the shops at Killarney Heights, including new equipment suitable for all ages, soft fall and synthetic turf, landscaping, additional seating, a shade net and footpath lighting along the Tramore Place pathway. These upgrades have increased the popularity of the area and encouraged longer visits.

Currently, there are no public amenities in the area, although there are bathroom facilities for shop staff. A small plot of land with grass, a path, and several trees at Lot 969 Tramore Place, east of the former Talking Heads Café, has water supply and sewer connections within 20 meters, making it a feasible location for new public toilets.



Based on the recent construction of amenities in Forestville and at Little Manly Point, a new public toilet facility in Killarney Heights would cost approximately \$400,000. Annual running costs would be around \$30,500, including cleaning, consumables, sanitary bins, maintenance, and depreciation over a 40-year lifespan.

#### **CONSULTATION**

As per the resolution, consultation has been undertaken through direct approach to local businesses and a subsequent online survey:

- The first survey directly asked local businesses if they supported the provision of a public amenity, receiving unanimous support.
- The second survey, conducted from late May to the end of June 2024, targeted users of Killarney Heights shops through signs with QR codes and a direct mail-out to local businesses. Of the 217 responses, 154 (71%) supported the provision of a public toilet. Other suggestions included a bubbler, improved lighting, improved seating, and further playground enhancements. Respondents included 6% visitors, 85% local residents, 2% businesses, and 4% business owners who were also local residents. Feedback from the

survey has been shared with Council team to consider further improvements in line with suggestions when funding is available.

#### **TIMING**

The project is currently unfunded and not considered in Council's 4 year Delivery Program or the Long Term Financial Plan.

#### FINANCIAL CONSIDERATIONS

The provision of public amenities at Killarney Heights is not allocated in the current 4 year Delivery Program or the Long Term Financial Plan. As adopted at the June Council meeting, Council's Asset Management Plan notes that there are funding shortfalls in the forward plan with respect to asset maintenance, asset renewal, uplift in asset service for the community and new assets. This shortfall is currently estimated at \$255m for the next 10 years of which \$37m is known new asset demand. It is proposed that the provision of these additional amenities is included within the next iteration of Council's Asset Management Plan as a further known unfunded asset demand.

#### **GOVERNANCE AND RISK CONSIDERATIONS**

Should Council prioritise the construction of these amenities in a future budget, Council would manage the design and construction tender process in line with standard tendering procedures.

# **ENVIRONMENTAL CONSIDERATIONS**

Adding public amenities in Killarney Heights would result in a small loss of green open space, but environmental impacts would likely be minimal.

#### **SOCIAL CONSIDERATIONS**

The provision of public amenities would positively impact social outcomes for community members. It would enable users of the shops and play area to spend longer in the area, fostering greater social interaction and community cohesion.

#### **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcomes and Goals:

- Community and belonging Goal 8 Our community feels safe and supported.
- Vibrant local economy Goal 15 Our centres are sustainable, encompassing a diverse range of businesses that attract visitation and provide work, education, leisure and social opportunities.

Reporting team	Property, Building & Beach Services
TRIM file ref	2024/561845
Attachments	Nil

# ITEM 13.2 OUTCOME OF PUBLIC EXHIBITION - PROPOSED NAMES FOR FOUR COUNCIL ROADS

#### **PURPOSE**

The purpose of this report is to inform Council of the outcome of the public exhibition of the proposal to name 4 Council roads.

#### **EXECUTIVE SUMMARY**

- Council received multple requests to provide road names to 3 unnamed laneways in Seaforth, Collaroy and Avalon and had also previously had community requestes to rename Walworth Court, Newport.
- Council undertook separate community consultation processes on the proposals to rename each of the 4 laneways
- Council's proposal to adopt a name for the unnamed laneway adjacent to Kempbridge Avenue, Seaforth had a high level of support with the proposed name "Fig Tree Lane", also having a high level of support.
- Council's proposal to adopt a name for the unnamed laneway adjacent to Alexander Street, Collaroy had a high level of support, with the proposed "Hibiscus Lane" having limited support and the name "Wicks Lane" being preferred but is not permissible as it is not in accordance with the Geographical Names Board's Naming policy.
- Council's proposal to name the unnamed laneway adjacent to Bellevue Avenue, Avalon had
  a high level of support with the proposed name "Spotted Gum Lane" having similar support to
  an alternate name "Johnson Lane", with the latter not being permissible due to not being in
  accordance with the Geographical Names Board's Naming policy.
- Council's proposal to rename Walworth Court, Newport to "Syncarpia Court", had very little support from residents living in the road.

#### RECOMMENDATION

That Council:

- 1. Adopt the proposal to name the unnamed laneway adjacent to Kempbridge Avenue, Seaforth, "Fig Tree Lane".
- 2. Adopt the proposal to name the unnamed laneway adjacent to Alexander Street, Collaroy, "Hibiscus Lane".
- 3. Adopt the proposal to name the unnamed laneway adjacent to Bellevue Avenue, Avalon, "Spotted Gum Lane".
- 4. Not change the name for Walworth Court, Newport.

#### **BACKGROUND**

At its meeting on 19 December 2023, Council resolved to place on public exhibition the proposed renaming of Walworth Court, Newport as Syncarpia Court and the naming of 3 laneways in Seaforth, Collaroy, and Avalon as follows:

- a. Spotted Gum Lane, Avalon
- b. Fig Tree Lane, Seaforth
- c. Hibiscus Lane, Collaroy.

The outcomes of a previous public exhibition to rename Walworth Court was deferred due to submissions regarding the use of local Aboriginal language/words used as street names. Council contacted the newly created NSW Government Agency the Aboriginal Languages Trust (ALT) which advised that:

Council consider forgoing the use of Aboriginal Languages until there is clear direction from the Local Aboriginal Community on which Aboriginal Language(s) belong to your area.

Based on the above advice, Council exhibited the 4 names based on local flora associated with each locality.

Based upon the consultation outcomes of the public exhibition as described in the following section of this report, the 3 unnamed laneways are recommended to be named as proposed and it is proposed not to change the name of Walworth Court.

# **CONSULTATION**

The proposals were publicly exhibited between 23 February and 24 March 2024. The community was informed of the proposal through on-site signs at each road, a Your Say project page, letterbox drop to nearby homes, Council e-news and stakeholder emails. Key points for each locality include:

- Unnamed Laneway, Seaforth (off Kempbridge Avenue) Proposed "Fig Tree Lane"
  - 44 submissions were received, with a large majority being supportive of the proposal.
  - 10 submissions indicated a preference for other names, including names that reflect First Nations people and language or another flora related name or name of a prominent local person or 'Dairy Farm Lane' to reflect historic use in the area.
  - An analysis of the submissions received can be found in the Community Engagement Report Naming Proposal Fig Tree Lane, Seaforth (Attachment 1).
- Unnamed Laneway, Collaroy (off Alexander Street) Proposed "Hibiscus Lane"
  - 245 submissions were received, with the majority supporting naming the lane. However, the largest proportion (207 submissions) were supportive of naming the laneway as Wicks Lane (as the surf store "Wicks" backs onto the lane). According to the Geographical Names Board (GNB) of NSW's Place Name Policy, a current business name cannot be used for naming purposes. Therefore, Council is not permitted to name the laneway, Wicks Lane.
  - 30 submissions indicated support for the proposal to use Hibiscus Lane.
  - 8 submissions indicated a preference for other names, including names that reflect First Nations people and language or another flora related name.
  - An analysis of the submissions received can be found in the Community Engagement Report Naming Proposal Hibiscus Lane, Collaroy (Attachment 2).

#### • Unnamed Laneway, Avalon (off Bellevue Avenue) – Proposed "Spotted Gum Lane"

- 86 submissions were received with just under half being supportive of naming the laneway Spotted Gum Lane.
- However, almost the same number of submissions (41 submissions) supported an alternative name for the laneway, Johnson Lane (or similar) to commemorate a local family in the community for all their local community input (Johnson Bros Mitre 10 backs onto the lane). According to the Geographical Names Board (GNB) of NSW's Place Name Policy, a current business name cannot be used for naming purposes. Therefore, Council is not permitted to name the laneway, Johnson Lane (or similar).
- 4 submissions indicated a preference for other names, including names that reflect First Nations people and language.
- An analysis of the submissions received can be found in the Community Engagement Report Naming Proposal Spotted Gum Lane, Avalon Beach (Attachment 3).

# Walworth Court, Newport – Proposed "Sycarpia Court"

- 49 submissions were received with a large majority not supportive of the proposal.
- 10 submissions indicated a preference for other names, including names that reflect another flora related name.
- An analysis of the submissions received can be found in the Community Engagement Report Naming Proposal Syncarpia Court, Newport (Attachment 4)

#### **TIMING**

Should the naming proposal and recommendations within this report be approved, the process of creation and installation of signage will commence within 28 days of the Council meeting.

### FINANCIAL CONSIDERATIONS

Funding to support the installation of the new signs is included in the existing budget.

### **GOVERNANCE AND RISK CONSIDERATIONS**

This naming proposal is consistent with Council's Naming Our Reserves, Facilities and Roads Policy and the GNB policy - Place Naming. Should Council approve the naming proposal the GNB would be notified, and the name of the laneway or road will be added to its mapping database. The implementation of the new name would involve updates to Council's webpage, spatial information system and new signage on-site.

#### **ENVIRONMENTAL CONSIDERATIONS**

The subject of this report has no environmental implications for Council.

#### SOCIAL CONSIDERATIONS

The naming proposal will have a positive impact on social outcomes for the community by improving way finding.

#### **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcomes and Goals:

• Transport, technology and connectivity - Goal 17 Our community can safely and efficiently travel within and beyond the Northern Beaches.

 Partnership and participation - Goal 21 Our community is engaged in decision making processes.

Reporting team	Transport & Civil Infrastructure				
TRIM file ref	2024/464459				
Attachments	<ul> <li>□ Community Engagement Report - Naming Proposal - Fig Tree Lane, Seaforth (Included In Attachments Booklet)</li> <li>□ Community Engagement Report - Naming Proposal - Hibiscus Lane, Collaroy (Included In Attachments Booklet)</li> <li>□ Community Engagement Report - Naming Proposal - Spotted Gum Lane, Avalon Beach (adj Bellevue Avenue) (Included In Attachments Booklet)</li> </ul>				
	Court, Newport (Included In Attachments Booklet)				

# ITEM 13.3 REVIEW OF COMMUNITY FEEDBACK ON THE AVALON STREETS AS SHARED SPACES PROJECT

## **PURPOSE**

The purpose of this report is to provide community feedback to Council on the Avalon Streets as Shared Spaces project and seek direction on the next steps in the precinct with reference to the adopted Avalon Place Plan.

## **EXECUTIVE SUMMARY**

- The Avalon Streets as Shared Spaces project was implemented as a trial to determine the
  effectiveness of the installed infrastructure solutions to improve the amenity of the area for
  the greater community, while also improving traffic flow and delivering improved safety
  outcomes for pedestrians.
- The installation of the Avalon Streets as Shared Spaces project was completed in March 2023, commencing the trial period which ran through until the 28 February 2024.
- The community was asked to provide feedback on the trial through a series of questions as well as written feedback in either free text boxes in the online survey tool accessed by QR code or website link, or through the usual contact channels via email to Council.
- The feedback collected during consultation indicated a high level of support for the trial to either be extended or made permanent 67% (with 25% and 42% respectively), with 33% not wanting the trial extended or made permanent.
- Based on the results of the survey, it is recommended that the installation be maintained and additional works be programmed in future years to formalise and upgrade the amenity of the precinct.
- There is not sufficient funds in Council's Long Term Financial Plan to deliver the entirety of the Avalon Place Plan and as such it is recommended to seek grant funding to deliver these upgrade works.

#### **RECOMMENDATION**

That Council:

- 1. Note the engagement report and community feedback.
- 2. Seek grant funding to enable the upgrading of the level of finish of the infrastructure.

#### **BACKGROUND**

The Streets as Shared Spaces project was endorsed by Council at the July 2022 meeting as part of the adoption of the Avalon Place Plan (Action 10). The project was implemented as a trial to determine the effectiveness of the options to improve amenity of the space and monitor the impact on traffic, pedestrians, and the broader community.

During development of the Avalon Place Plan several design solutions for the intersection of Old Barrenjoey Road and Avalon Parade were considered based on the input from the working group to address concerns raised regarding the safety of pedestrians and congestion caused by the existing design. These were modelled based on peak summer traffic volumes and with the options of a roundabout and traffic signals (both suggested by the community) being discounted due to adverse network impacts. The only option tested that produced a network benefit was the proposed one-way flow towards the intersection of Avalon Parade from the Dunbar Park carpark.

Following on from the adoption of the Avalon Place Plan, staff commenced the planning for the project that was funded by the NSW Government under the Places for People program (Streets as Shared Spaces) with work commencing in October 2022 and being completed in March 2023.

Under the terms of the funding grant, and to satisfy the intent of the Avalon Place Plan action 10, staff designed a survey for the general public to be able to provide feedback during the trial period.

The survey and feedback opportunity during the trial opened on 3 April 2023 and closed for comments on the 28 February 2024. This provided the opportunity for the local community, visitors, and businesses to provide feedback on the trial.

The Transport Network and Place team have also conducted business interviews with more specific questions to the business owners to determine the success and impact on the retail premises nearby.

It is noted that during the trial Sydney Water also undertook investigation works for a future watermain renewal project. This work was unrelated to the Streets as Shared Spaces project by Council but did result in some complications to the delivery phase.

# CONSULTATION

The current survey and feedback opportunity during the trial opened on 3 April 2023 and closed for comments on 28 February 2024. It consisted of a series of activities that provided opportunities for community and stakeholders to contribute. This provided the opportunity for the local community, visitors, and businesses to provide feedback on the trial.

Consultation has also been undertaken directly with the adjoining businesses. Staff also undertook a specific business survey in mid-June 2024 to capture the benefits, impacts, and any improvements that the business community (individual businesses) would like to see if the project was to continue or be made permanent.

There was a high number of submissions received during the feedback period (1,680). The feedback indicated a high level of support for the trial to either be extended or made permanent 67% (with 25% and 42% respectively), with 32% not wanting the trial extended or made permanent.

While the written comments are largely negative, with the main issues being traffic congestion and parking impact, the overall community survey was largely positive as demonstrated in the above figures.

The conversations with the adjoining businesses have been largely positive, with some requests for improvements to the ongoing maintenance of the structures and for further community feedback on the level of finish should the installation be made permanent.

Feedback received has been collated into 9 key themes covering the broad responses provided. A deeper analysis of negative sentiment and those that liked the concept but wanted changes made

has been undertaken. Full details of the comments are provided in the engagement report (Attachment 1), however response to the deep dive matters is summarised below.

Theme	Description of issue	Council response
Seating	The seating is not in keeping with the village feel of Avalon.  The seating provided favours some businesses over others.  There needs to be more seating to address the peak demand.	The seating provided is using standard council street furniture. The seating was installed in the available space and not provided for exclusive use of any business.  Seating provided strikes a balance between need and available space.
Tables	The tables don't suit the Avalon village feel, and do not provide a benefit to the businesses.	The tables provided is using standard council street furniture and is provided for the community to use.
	There need to be more tables install to meet peak need of the adjoining businesses.  The tables need more shade.	The tables provided strike a balance between need and available space, and tests different configurations.  Additional umbrellas provided.
Traffic Changes	The traffic changes have caused longer delays in the village.  The traffic changes have created an unsafe	The traffic changes have improved safety at the pedestrian crossings, adding only a small additional delay to the travel time of motorists.  The shared zone has been reviewed and additional
	combination of vehicles and pedestrians.	measures installed.
Parking	The project has removed valuable parking in the village.	Whilst 7 parking spaces have been removed the parking study undertaken as part of the Place Plan indicated additional parking capacity was available in the village.
Shade	More shade is required to allow full use of the area in summer.	Additional umbrellas have been provided, with the option of installing further structures should the installation become permanent.
Footpath Space	The footpath is cluttered with furniture.  The space created has improved the atmosphere in the area.	The street furniture provided strikes a balance between need and available space.  That was one of the outcomes of the project.

Landscaping	The landscaping is substandard and needs improvement.	The landscape elements needed to be incorporated in planters and if the trial is made permanent larger landscape elements could be incorporated.
Community Usage	The space is not used by anyone and is a waste of money.	The usage of the space is time of day and weather dependant. In peak summer and on weekends the space is heavily used in the mornings and during the lunch period.
	The space needs to be adapted and a closure considered.	Other options to increase usage can be investigated in the longer term.
Safety	The remaining pedestrian crossings are safer; however, two crossings have been removed.	The 3 pedestrian crossings at the intersection are safer, and the 2 pedestrian crossings removed in the trial space are not required in a shared zone where vehicles must give way to pedestrians using the road space.

#### DISCUSSION

The trial installation met the goals for both the Street as Shared Spaces program and the action under the adopted Avalon Place Plan. The project did raise concerns for sections of the local community related to access to the supermarket, impact on drivers coming through the intersection and waiting to turn at the pedestrian crossings, level of finishes, and the delivery of multiple (3) projects in the area causing confusion on what the survey was requesting feedback on.

# Summary of the Review of the Intended Project Deliverables

# Providing Places for People

The purpose of the trial was to demonstrate how the space could be used to improve the amenity and pedestrian connectivity through the implementation of a shared zone in Old Barrenjoey Road. To achieve this outcome the installation of semi-permanent infrastructure was undertaken along with low-cost pavement enhancements, street furniture that could largely be redeployed to other locations in future should the trial not continue, and a horizontal alignment change in the one-way share zone section to provide a level of self-enforcing speed control.

- Whilst there was some initial concern on how this area would function, the community has generally embraced the changes with usage increasing over the summer months and requests for other measures to be put in place to further enhance the public space.
- The planters installed across the space were considered by the local community to be substandard with the community expecting landscaping to be installed. This was not part of the brief under the trial but could be incorporated into any future improvements.
- Some planters were installed at the intersection of Old Barrenjoey Road and Avalon Parade to direct pedestrians to the relocated crossing point east of the intersection. This was the preferred treatment at this location as the standard engineering response would have been to install fencing, but this does not match the village feel of Avalon.

- Additional community requests to what has been installed include umbrellas to improve the shade available at tables, more tables to allow more people to use the space and also a number have asked for the area to be closed to traffic completely.

#### Avalon Place Plan - Action 10

A key part of this trial was to deliver on the adopted Avalon Place Plan Action 10, being a temporary trial of a one-way shared zone on Old Barrenjoey Road north, between Avalon Parade and the entrance to Woolworths carpark. This also included permanent road and streetscape improvements including changes to bus stops in Old Barrenjoey Road and Avalon Parade.

- A relatively large number of community members who were not aware of the Place Plan development questioned the need for the changes in the village centre.
- Initial complaints received indicated that the community were not aware of the project and aims within the program and especially the project changes within the village.
- Separate community updates on the project provided better community understanding of the reasons behind the trial.
- Once this additional communication had been made, and the works had been completed, there was broad support from the community using the space.

# Access to Dunbar Park Carpark

A key part of the project was advised by traffic modelling which concluded that the only way to improve traffic flow and produce a network benefit was via a one-way flow towards the intersection of Avalon Parade from the Dunbar Park carpark. This caused the knock on impact of removing the access to the carpark adjoining Woolworths from Avalon Parade.

- Several concerns were raised from residents coming from the west along Avalon Parade regarding the lack of access to the Dunbar Park carpark and Woolworths area and the additional travel distance required via Barrenjoey Road.
- This created greater than expected queuing on Avalon Parade at the commencement of the new traffic arrangements.
- Additional turning capacity was then provided for vehicles travelling north from Avalon Parade onto Barrenjoey Road to address concerns on delays through the village centre.

#### Level of Finish

The implementation of the project was intended to be a semi-permanent, allowing the infrastructure to remain in situ indefinitely while still allowing flexibility should that be needed. The approach also took into account the fact that Sydney Water had a known renewal project planned for the same area.

- The level of finish has caused some community feedback about it not being in keeping with the expectation of the Avalon community.
- In particular, the stamped asphalt pavement received both positive (quick installation and better than normal road pavement) and negative (the area should be upgraded to paving similar to Manly Corso).
- The current treatment provides the appropriate level of delineation for the shared zone clearly indicating that the road environment is different to the rest of that section of Old Barrenioev Road.
- The level of finish and treatments chosen were done to balance the costs with the nature of the trial, as well as to allow for timely implementation. The treatments remain

usable and suitable but are planned to be improved in planning for the future permanent solution.

## • Multiple Projects being Delivered

There were some communication challenges that occurred resulting from 3 projects being delivered in the area simulateously. The Streets as Shared Spaces project was limited to the Old Barrenjoey Road between Avalon Parade and Dunbar Park carpark. There were 2 other projects, being a pedestrian crossing upgrade project to address safety issues on Avalon Parade between Old Barrenjoey Road and Edmund Hock Avenue as well as an enhanced pedestrian refuge (pelican crossing) on Barrenjoey Road between the beach carpark entry and the Old Barrenjoey Road intersection, that occurred at the same time.

The multiple project delivery approach worked well from a project timing perspective, however it created community confusion. The poor feedback received from this clearly indicate that any future similar situation should be managed differently to enable each project rationale to be effectively communicated to the community.

# Pedestrian Crossing Changes

The original crossings in place did not meeting the Transport for NSW technical guidance and therefore required upgrade. Specifically, a marked pedestrian crossing cannot have 2 lanes of traffic in the same direction, which regularly occurred in the original configuration, due to the risk to pedestrians on the crossing.

- The works undertaken has reduced the crossing distance by reducing the width on each approach to one lane in each direction.
- Some responses noted that the upgrade at the intersection of Old Barrenjoey Road and Avalon Parade had caused additional delays during peak periods.
- This led to some members of the community illegally driving over the associated traffic islands, creating a second lane through the crossing in Old Barrenjoey Road. These now have traffic devices (chevrons) installed to prevent this behaviour.

## **TIMING**

The existing installation can remain in place in it's current form. The watermain renewal project by Sydney Water will likely require part of the project to be removed for the during Sydney Water's work. Once the watermain upgrades are completed the installation can be reinstated to the same standard as exists today.

The future formalisation of permanent public domain works and any additional works will be the subject of further design and consultation and would be subject to grant funding or other funding being made available.

## FINANCIAL CONSIDERATIONS

Additional funding would be required to put in place a permanent installation to the level of finish requested by the community, should that be required. There is not sufficient funds in Council's Long Term Financial Plan to deliver the entirety of the Avalon Place Plan and as such grant funding through Get Active NSW will be investigated to fund further works.

#### **GOVERNANCE AND RISK CONSIDERATIONS**

This Streets as Shared Spaces project has been installed as semi-permanent infrastructure, allowing it to remain in situ much longer that other projects funded through this program.

Once the Sydney Water project has been completed, the opportunity to update the finishes and street furniture may be presented through potential grant funding opportunities, or the existing infrastructure can be reinstalled with minimal additional cost.

#### **ENVIRONMENTAL CONSIDERATIONS**

The overall amenity and safety of the precinct has been improved through the reduction of through traffic, increase in public open space, the ability for the residents to use the wider footpath area for both walking and waiting for take away meals. If approved on the continuing basis there is the potential for the area to be landscaped and provide additional environmental improvements including the use of vegetated traffic calming and wider footpath garden areas that could potentially accommodate larger trees instead of the existing planters whilst also being sympathetic to the views from both business and residential properties.

#### SOCIAL CONSIDERATIONS

Typically, projects of this nature improve the social connection of the residents as they can utilise the public space - in this case the road reserve, to gather and connect as neighbours. The Avalon project has provided an improvement to the local amenity for use by adjoining businesses and residents and provides an improved connection between the village and the beach. Improvements to the Active Transport connections have the potential to further enhance the health and wellbeing of the community by providing opportunities to safely walk and ride.

## **LINK TO STRATEGY**

This project also relates to MOVE – Northern Beaches Transport Strategy

- Theme 1 Accessible and Liveable Places
  - Action 1. Create and enhance "Places for People" that are integrated with public transport, creating vibrant, connected places with wide footpaths, safe cycling options and where the car is not the first option.

This report relates to the Community Strategic Plan Outcomes and Goals:

- Housing, places and spaces Goal 11 Our local centres are vibrant and healthy, catering for diverse economic and social needs.
- Housing, places and spaces Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed.

Reporting team Transport & Civil Infrastructure

TRIM file ref 2024/458340

Attachments 

□1 Community Engagement Report - Streets as Shared Spaces - Avalon Beach (Included In Attachments Booklet)

# ITEM 13.4 RESPONSE TO NOTICE OF MOTION NO 18/2023 - TRAFFIC CALMING MEASURES OXFORD FALLS

#### **PURPOSE**

The purpose of this report is to provide recommendations for traffic calming measures, following post-construction traffic monitoring at Morgan Road, Belrose and Oxford Falls Road, Oxford Falls.

## **EXECUTIVE SUMMARY**

- The Morgan Road bridge was replaced between August 2023 and December 2023 with the adjoining pedestrian bridge completed in March 2024.
- In response to the Notice of Motion No 18/2023 Traffic Calming Measures Oxford Falls, staff undertook pre and post construction traffic surveys to determine if the new bridge construction led to an increase in traffic volumes and speeds in the area.
- Traffic data collected 200m west of the bridge location pre construction and post construction indicates that the average daily traffic volume and average traffic speed remained relatively static at this location.
- Further investigation was undertaken to understand how the route was used with 6 survey
  points installed between Forest Way and Wakehurst Parkway in late February 2024 to align
  with locations where previous data had been collected.
- This data demonstrates that further action would be beneficial to reinforce the posted speed limit of 50km/h on both Morgan Road and Oxford Falls Road West, noting that speeds have dropped from 67km/h to 58km/h in Morgan Road between 2019 and 2024.

## RECOMMENDATION

That Council note the findings of the report.

#### **BACKGROUND**

At the April 2023 Council meeting, Council resolved to upgrade the bridge located at Oxford Falls Road, Oxford Falls, due to safety advice received by external engineers and to better accommodate use by fire fighting vehicles operated by the NSW Rural Fire Service. At the June 2023 Council meeting a Notice of Motion was put forward noting that while the single lane carriageway along Oxford Falls bridge currently operated to calm traffic speed, residents were concerned that when Oxford Falls bridge became a dual carriageway, this would increase traffic speed and quantity.

This resulted in the following Notice of Motion No 18/2023 - Traffic Calming Measures Oxford Falls being resolved by Council:

## That Council:

- 1. Undertake pre-construction and post-construction traffic monitoring at Morgan Road, Belrose and Oxford Falls Road, Oxford Falls in proximity to the approved upgrades to Oxford Falls Bridge, including traffic levels and speed.
- 2. Report back to a future Council meeting with any recommendations as to traffic calming measures required.

A preconstruction traffic survey was undertaken to provide localised background data in July 2023, and once the project was completed in March 2024 a second localised post construction traffic survey was undertaken to review the impact of the new design on traffic speeds and volume.

Additionally, the Transport Network team undertook a broader data collection project to review the issues raised by the community in relation to vehicle speeds through the area, with the information gathered indicating that the speed had been reduced between 2019 and 2024 (see table below).

Location	Base data	Oct 2017	May 2018	July 2019	July 2023	Feb 2024	Mar 2024
Near House 1002	Apr 1998						
	<sup>@</sup> 85 <sup>th</sup> % - 77	85 <sup>th</sup> % - 67	85 <sup>th</sup> % - 66	85 <sup>th</sup> % - 66		85 <sup>th</sup> % - 68	
	831 AADT**	2577 AADT	3106 AADT	2729 AADT		1373 AADT	
Near Telstra ground station	June 2006						
ground station	85 <sup>th</sup> % - 55			85 <sup>th</sup> % - 57.5		85 <sup>th</sup> % - 57.2	
	1526 AADT			2705 AADT		1350 AADT	
200 m west of					85 <sup>th</sup> % - 52.7	#85 <sup>th</sup> % - 57	85th% - 50.7
bridge location					1327 AADT	1360 AADT	1311 AADT
Approx 140m	Apr 1998						
west of Ausgrid access road	85th% - 82			85 <sup>th</sup> % - 67		85 <sup>th</sup> % - 58	
	900 AADT			2722 AADT		1394 AADT	
Near Sydney	June 2006						
Water Pumping Station, House No. 170A	85 <sup>th</sup> % - 77			85 <sup>th</sup> % - 65		85 <sup>th</sup> % - 60	
NO. 170A	1574 AADT			2757 AADT		1408 AADT	
North of the dog leg, House No. 9	June 2006	July 2015					
.05, 110000 110. 0	85 <sup>th</sup> % - 68	85 <sup>th</sup> % - 62				85 <sup>th</sup> % - 63	
	1681 AADT	1481 AADT				1509 AADT	

<sup>&</sup>lt;sup>®</sup> 85<sup>th</sup> percentiles displayed are km/h

<sup>#</sup> NSW Highway patrol undertook enforcement between 23 February 2024 and 13 March 2024

<sup>\*\*</sup> Annual Average Daily Traffic (AADT) refers to the average daily traffic volume at a given location over an entire year.

#### DISCUSSION

The primary main concern raised by the Notice of Motion, being that the upgrade of the bridge to a two-way carriageway would result in increases in speed and volume of the traffic, does not appear to have occurred.

The data indicates that traffic volumes using the route have generally halved in the last 5 year period, with traffic speeds generally decreasing as well. The March 2024 85<sup>th</sup> percentile figure is still higher than the posted limit of 50km/h and this matter needs to be addressed in the medium term. Several complaints have been received that there are vehicles that have been observed travelling at significant speeds along the route, with this information verified in the traffic surveys conducted.

The request for traffic calming to be installed has been considered and, whilst this would address the broader issues of traffic speeds, the additional street lighting that would need to be installed to meet the safety requirements for traffic calming devices may have a negative impact on the amenity of the rural area as well as the impact on nocturnal wildlife.

The Transport Network Team reviewed the data and the potential options including speed humps, chicanes and other traffic calming measures to address the higher than posted speed limit driver behaviour. These options are seen as medium-term options and will be included for further consideration in Council's future traffic facility program.

As a short-term option to assist in traffic calming, staff will be adding this location to the rotation of Council's road safety message trailers for speed limit reinforcement. Should this prove beneficial, it may be followed with installation of enhanced digital signage in key locations along the route, noting this provides only a limited additional benefit as it can lead to driver complacency if not relevant to the road environment.

The community feedback received over the past few years anecdotally indicates an increase in wildlife being impacted by the vehicles travelling along the route. Staff note that this data may exist, however Council does not keep this information as a part of the broader traffic and transport data set used to evaluate traffic projects.

### **CONSULTATION**

No consultation has been undertaken at this time. Prior to any future changes to the road environment community consultation will be undertaken. Additionally, the installation of any permanent traffic control devices including traffic calming and signage will be subject to the standard Northern Beaches Council Local Traffic Committee approval process.

## **TIMING**

The short-term primary action of using the portable message trailers will be in place for their first rotation in late September 2024 and based on the current schedule will be there for 4 weeks.

Installation of permanent digital signage would take at least 6 months allowing for consultation, approval, procurement, and delivery and commissioning.

If traffic calming is required in the future this often takes several years based on funding and program delivery availability.

## FINANCIAL CONSIDERATIONS

The provision of the portable message trailers is a program provided to enhance road safety outcomes on local roads and is included in the operational budget. Permanent digital signage is currently unfunded but will be reviewed in line with other priorities within Council's New Traffic Facilities program.

Any mid to long term infrastructure solutions are not currently in the Long Term Financial Plan. Grant funding options will be explored should these become a future priority.

## **GOVERNANCE AND RISK CONSIDERATIONS**

Staff undertake suitable risk assessment processes for traffic calming solutions, including road safety reviews, prior to any community consultation to ensure that proposals are delivering the outcomes to improve road safety at each location.

## **ENVIRONMENTAL CONSIDERATIONS**

The subject of this report has no adverse environmental implications for Council. Further consideration of the long-term infrastructure solution is required prior to any assessment of environmental impacts.

## **SOCIAL CONSIDERATIONS**

The focus on improvements to road safety in the area has a positive social outcome to the local amenity for residents and visitors to the area.

#### **LINK TO STRATEGY**

This report also relates to the Move Transport Strategy Goal and Direction:

 Theme 4 - Efficient Road Network – Direction 5 -Support programs to change road user behaviour to improve the safety and efficiency of the network.

This report also relates to the Community Strategic Plan Outcome and Goal:

 Transport, technology and connectivity - Goal 17 Our community can safely and efficiently travel within and beyond the Northern Beaches.

Reporting team Transport & Civil Infrastructure

TRIM file ref 2024/510465

Attachments ⇒1 Traffic Count - Oxford Falls (Included In Attachments Booklet)

# 14.0 NOTICES OF MOTION

# ITEM 14.1 NOTICE OF MOTION NO 24/2024 - CATS AND DOGS

NOTE: This item was listed on the agenda but not dealt with at the 25 June 2024 and 30 July Council meeting.

## COUNCILLOR SPROTT SUBMITTED THE FOLLOWING MOTION:

## **MOTION**

That Council write to the NSW Minister for Local Government calling for amendments to the *Companion Animals Act 1998* ensuring that responsibilities for the control of cats are the same as the current control responsibilities for dogs.

#### **BACKGROUND FROM COUNCILLOR SPROTT**

We know feral cats pose a massive threat to wildlife. Across Australia, feral cats collectively kill more than 3 billion animals annually. Cats have significantly contributed to 34 mammal extinctions in Australia since 1788 and are a major factor in the decline of at least 123 other threatened native species.

Pet cats also cause substantial harm. New analysis, which compiles results from 66 different studies, assesses the impact of Australia's pet cat population on the country's wildlife. The findings are staggering: on average, each roaming pet cat kills 186 reptiles, birds, and mammals per year, most of them native to Australia. This amounts to 4,440 to 8,100 animals per square kilometre annually in areas inhabited by pet cats.

To protect wildlife, pet owners should keep their cats indoors. In Australia, 1.1 million pet cats are kept inside 24 hours a day by responsible owners. However, 2.7 million pet cats, or 71% of the total, are allowed to roam and hunt. Moreover, a radio tracking study in Adelaide found that 39% of cats, believed by their owners to be inside at night, were actually sneaking out for nocturnal adventures.

Information sourced from "The Conversation" Australia and New Zealand is a unique collaboration between academics and journalists and is the world's leading publisher of research-based news and analysis.

**TRIM file ref** 2024/561847

# ITEM 14.2 NOTICE OF MOTION NO 25/2024 - TRUCK EXHAUST BRAKE RESTRICTIONS AT FRENCHS FOREST

NOTE: This item was listed on the agenda but not dealt with at the 25 June 2024 and 30 July Council meeting.

## COUNCILLOR SPROTT SUBMITTED THE FOLLOWING MOTION:

## **MOTION**

That Council write to Transport for NSW bringing to its attention to the acoustic impacts caused to residential amenity from heavy vehicle engine compression brake noise in the vicinity of the Warringah Road bypass at Frenchs Forest and request the installation of appropriate signage on the roadway to remind heavy vehicle drivers to reduce compression brake noise.

#### **BACKGROUND FROM COUNCILLOR SPROTT**

The design of the new Frenchs Forest bypass, with its hard concrete walls and canyon-like structure, creates the perfect environment where excessive noise can reverberate and travel into the surrounding community. Trucks using their exhaust braking systems in the early morning hours generate unnecessarily loud noise.

**TRIM file ref** 2024/561851

# ITEM 14.3 NOTICE OF MOTION NO 26/2024 - YOUTH MENTAL HEALTH FACILITIES AND SERVICES ON THE NORTHERN BEACHES

NOTE: This item was listed on the agenda but not dealt with at the 25 June 2024 and 30 July Council meeting.

# COUNCILLORS DE LUCA OAM AND PAGE SUBMITTED THE FOLLOWING MOTION:

## MOTION

#### That Council:

1. Note that on 23 June 2022, then Minister for Health, The Hon Brad Hazzard MP announced "\$11.4 million to boost Northern Beaches youth mental health services" and that "Children and young people in the Northern Beaches will benefit from significantly enhanced mental health services with a \$11.4 million investment under the 2022-23 NSW Budget ... the funding will be used to expand hospital and community services, including establishing acute paediatric specialist mental health beds at Northern Beaches Hospital and supporting local community mental health and drug and alcohol treatment services" and particularly:

"The \$11.4 million for child and youth mental health services in the Northern Beaches includes:

- \$7.5 million to establish four dedicated acute paediatric specialist mental health beds at Northern Beaches Hospital, which will provide for the establishment and operation of the beds.
- \$1.4 million to employ additional staff, including senior multi-disciplinary clinicians, to support Northern Beaches Child Youth Mental Health Service in the Brookvale Community Health Centre.
- \$1.1 million to recruit additional staff, including peer workers and clinicians, to support and operate the Northern Beaches Youth Response Team service out of Mona Vale Community Health Centre seven days a week.
- \$1 million to develop a new youth drug and alcohol community treatment service in Northern Sydney Local Health District, including employing senior medical, nursing and allied health clinicians to operate the service.
- \$365,000 to provide a full-time child and youth psychiatrist at Northern Beaches Hospital."
- 2. Note that on Thursday 22 February 2024 NSW Minister for Homelessness, Mental Health and Youth, The Hon Rose Jackson MLC announced "that the previously announced commitment to four mental health beds at Northern Beaches Hospital was 'not feasible'".
- 3. Note that on 22 February 2024, the Federal Member for Mackellar Dr Sophie Scamps MP was publicly quoted as previously stating, "At a time when we have a youth mental health crisis on the Northern Beaches, it's simply not good enough that the management at the Northern Beaches Hospital haven't even committed to a timeline for these beds" and she reiterated on 22 February 2024 "it is disappointing that more than two years after the former NSW Government announced funding for a four-bed youth mental health unit, the Northern Beaches Hospital management has refused to provide the services."
- 4. Notes that on 28 February 2024 in the NSW Legislative Council's Budget Estimates Committee Inquiry into Health, in the transcript on pages 74 and 75, The Hon Natasha

Maclaren Jones MLC, asked the following questions of NSW Health Official, Ms Deb Willcox:

## "The Hon. NATASHA MACLAREN-JONES:

In relation to mental health, the Minister recently announced \$7.5 million, I think it was, for mental health support for young people on the northern beaches. Previously it was budgeted for \$11.4 million. What's happening to the \$4.5 million that had been originally marked for adolescent mental health in that area?

#### **DEB WILLCOX:**

The Northern Beaches Hospital has four beds available for admission for young people who require admission, but we have enhanced significantly our community-based mental health services at Brookvale in their child and adolescent mental health service there.

The Hon. NATASHA MACLAREN-JONES:

Those four beds are currently interim beds. Will they become permanent?

**DEB WILLCOX:** 

No, they're permanent.

The Hon. NATASHA MACLAREN-JONES: They're permanent?

DEB WILLCOX: Yes, they are permanent. The initial announcement looked for a capital solution to create a pod. That wasn't possible just within the designs of the hospital itself, but they have allocated four available beds for young people who may require admission. Any young person that is extremely unwell and would require beyond a couple of days, they would probably be transferred to the Brolga unit, which is the child and adolescent mental health unit at Hornsby."

- 5. Note that on 11 April 2024 in the Sydney Morning Herald, "Maternity, mental health staff cut as unrest swirls at Northern Beaches Hospital" and it was revealed "Northern Beaches Hospital is cutting staff from its mental health and maternity units" ... "The changes to staffing levels come two months after the state government abandoned plans to invest \$7.5 million in mental health services at the hospital, saying the previous government had promised the funding without guaranteeing the hospital could deliver the promised youth mental health beds."
- 6. Note the Royal Australian and New Zealand College of Psychiatrists concerns: "Access to child and adolescent psychiatrist care remains a persistent problem in Australia and New Zealand. There is a shortage of child and adolescent psychiatrists as well as a shortage of child and adolescent psychiatry training posts. Coverage is particularly poor in rural and remote areas" and "9 in 10 psychiatrists say workforce shortages are risking patient care in Australia" ... "Australia has a critical and chronic shortage of psychiatrists. Not only are there not enough, but they are also unevenly distributed across the country" said Dr Moore.
- 7. Write to the Premier, Leader of the Opposition, Minister for Health, Minister for Mental Health and respective Shadow Minister's and Party Spokespersons:
  - a. regarding allegations about the management practices at the Northern Beaches Hospital
  - b. condemning the decision of the NSW Government to abandon previous promised funding for 4 permanent children/adolescent mental health beds at Northern

Beaches Hospital and call on the NSW Government to urgently return funding for these beds

- condemning the staffing cuts to the maternity and mental health units at Northern Beaches and call on the NSW Government to urgently intervene and ensure those positions are reinstated
- d. calling for a Legislative Council inquiry into the efficacy and management of the Northern Beaches Hospital and explore mechanisms to return the Hospital back into public hands.
- 8. Write to the Federal Minister for Education, The Hon Jason Clare MP, the Federal Minister for Health, The Hon Mark Butler MP, Federal Assistant Minister for Mental Health and Suicide Prevention, The Hon Emma McBride MP and respective Shadow Ministers calling on the Federal Government to:
  - introduce incentives for people to study psychiatry, psychology, counselling and mental health services by way of reducing University and TAFE fees and HECS debt relief
  - b. introduce rental support for those that graduate in these disciplines and practice in these public health areas
  - c. explore ways to expand the number of child and adolescent psychiatry training posts
  - d. promote training and posts for child and adolescent academic careers.

## BACKGROUND FROM COUNCILLORS DE LUCA OAM AND PAGE

- 1. Statement issued on 23 June 2022 by The Hon Brad Hazzard MP, Minister for Health.
- 2. Transcript of the NSW Legislative Council Budget Estimates Hearing of 28 February 2024.
- 3. Sydney Morning Herald article of 11 April 2024.
- 4. Information from the Royal Australian and New Zealand College of Psychiatrists "Child and adolescent psychiatry: meeting future workforce needs" and "9 in 10 psychiatrists say workforce shortages are risking patient care in Australia".

**TRIM file ref** 2024/561878

**Attachments** <u>⇒</u>1 Explanatory Attachments (Included In Attachments Booklet)

# ITEM 14.4 NOTICE OF MOTION NO 29/2024 - URBAN GREENING OF THE NORTHERN BEACHES

NOTE: This item was listed on the agenda but not dealt with at the 25 June 2024 and 30 July Council meeting.

## COUNCILLOR SPROTT SUBMITTED THE FOLLOWING MOTION:

## **MOTION**

#### That Council:

- 1. Note its previous resolutions (220/21 and 062/24) regarding increasing planting on or adjacent to our main roads, and in particular Warringah Road.
- 2. Write to our local State Members of Parliament, and the Secretary of Transport for NSW attaching the 2 resolutions referred to in Item 1 and requesting their assistance in accelerating action on those matters.

## **BACKGROUND FROM COUNCILLOR SPROTT**

As the name suggests, trees are a vital part of the culture of Frenchs Forest. In recent years, however, we have lost a significant portion of our tree canopy due to road infrastructure upgrades. The benefits of a robust tree canopy are immense, ranging from improving air quality and temperature control to enhancing biodiversity, stormwater management, health and well-being of residents, and even economic value.

Given these considerable benefits to our local community and the economic advantages for the state government, it is disappointing that action on this crucial issue of tree planting is so delayed. I am now urging our local and state representatives to intervene and take immediate action to expedite this important issue.

**TRIM file ref** 2024/561854

# ITEM 14.5 NOTICE OF MOTION NO 34/2024 - SMART STREET TREE MANAGEMENT

NOTE: This item was listed on the agenda but not dealt with at the 25 June 2024 and 30 July Council meeting.

## COUNCILLOR SPROTT SUBMITTED THE FOLLOWING MOTION:

## **MOTION**

#### That Council:

- 1. Review the potential costs and impacts associated with replacing non-native public trees on the Northern Beaches that have high leaf and/or seed drop rates, with more suitable native species.
- 2. Provide a briefing to Councillors within 6 months.

## **BACKGROUND FROM COUNCILLOR SPROTT**

Liquid Amber trees, an introduced deciduous species to the northern beaches, drop their leaves and ball-shaped seed pods annually. These pods pose a risk on footpaths, as they can cause people to roll their ankles or suffer more severe injuries. Additionally, the fallen leaves create a substantial mess, leading to increased cleanup costs for the council and the community. I am proposing a replacement program to substitute these trees with native canopy trees, which would offer additional benefits to the natural habitat and local residents.

**TRIM file ref** 2024/561855

# ITEM 14.6 NOTICE OF MOTION NO 36/2024 - THE OUTDOOR DINING AND FOOTPATH MERCHANDISE GUIDE

#### COUNCILLOR GENCHER SUBMITTED THE FOLLOWING MOTION:

#### **MOTION**

#### That:

- 1. Noting the established and longstanding outdoor dining hours operation at 2KF Café in Mona Vale, the authorised outdoor dining hours of operation be set at 4.40am to 6.00pm daily for a twelve-month trial period.
- 2. Unless otherwise specified in a development consent, or the premises is within a residential zone, the hours of operation for all other premises offering outdoor dining shall be expanded to 7.00 am to 10.00 pm daily for a twelve-month trial period.
- 3. Council receives a report no later than September 2025 setting out the outcomes of the trial, including but not limited to the number of premises known to have participated in extended outdoor dining hours trial, any known amenity impacts, any complaints received, and whether Council should permanently amend the Outdoor Dining and Footpath Merchandise Guide in any way.
- 4. Despite the above, should Council receive significant and substantiated complaints about the impact of extended trial outdoor operating hours, authorised Council officers may suspend extended operating hours for the duration of the trial.

#### **BACKGROUND FROM COUNCILLOR GENCHER**

The 2KF Café in Mona Vale has been a cherished local establishment for nearly 22 years, operating from 4:40am to 2pm daily. This family-run business has become a staple in the community, providing early morning service that caters to local residents, workers, and commuters. Recently, a complaint regarding the noise generated by setting up tables and chairs early in the morning has brought the café's operating hours into question.

This notice of motion aims to address these concerns by proposing a trial period for adjusted outdoor dining hours, while also ensuring that the guidelines for outdoor dining and footpath merchandise are practical and considerate of both business operations and community wellbeing.

The current Outdoor Dining and Footpath Merchandise Guide (Guide) stipulates the general hours of operation for outdoor dining areas as 7.00 am to 10.00 pm, Monday to Sunday. These hours are aligned with the Development Application and Development Consent for the premises, or in their absence, the hours set out in the SEPP (Exempt & Complying Development Codes) 2008, Schedule 8, part 4, Clause 21 ('the procedure hours'). In cases where the restaurant's hours exceed these procedure hours, the SEPP hours will typically apply to the outdoor dining area at the discretion of council officers.

The Guide also provides that in areas where late-night operations impact residents, the Council will determine appropriate hours of operation, considering environmental and amenity factors, and the merits of each specific application.

Given the unique operating hours of 2KF Café and its significance to the community, this notice of motion proposes an amendment to the Guide to allow for practical discretion in determining outdoor dining hours. Specifically, it suggests a 12-month trial period during which 2KF Café's outdoor dining hours would be extended from 4.40 am to 6.00 pm. This trial aims to balance the

needs of the business with those of the local residents, allowing for an evaluation period to assess the impact and effectiveness of the adjusted hours.

#### Rationale

- 1. **Community Impact**: The early opening hours of 2KF Café are vital for serving early risers in the community, including workers and commuters who rely on the café for their morning routine.
- 2. **Business Continuity**: As a long-standing local business, 2KF Café's operational hours are integral to its business model and customer base. Adjusting these hours without flexibility could negatively impact the café's revenue and its ability to serve the community.
- 3. **Noise Concerns and Common Sense**: Common sense must be applied when evaluating noise complaints. The early morning hours see numerous activities contributing to overall noise, including deliveries, domestic and commercial rubbish removal, and traffic. The noise from setting up tables and chairs at 2KF Café is minimal in comparison. A controlled trial period during which the impact of the early setup can be monitored and evaluated will provide a realistic understanding of the noise situation.
- 4. **Guideline Flexibility**: By allowing for practical discretion in the Guide, the Council acknowledges the unique circumstances of each business and area, promoting a balanced approach that supports both community wellbeing and business operations.

Local support and media coverage also highlight the importance of fair and balanced regulations. There have been similar cases where practical discretion and community-oriented solutions have been beneficial for local businesses and residents alike. Drawing from these examples, the proposed amendment aligns with best practices in the community and seeks to foster a harmonious balance between business needs and residential peace.

This notice of motion seeks to amend the Outdoor Dining and Footpath Merchandise Guide to provide practical discretion in determining outdoor dining hours, particularly for long-standing businesses like 2KF Café. The proposed 12-month trial period for extended outdoor dining hours from 4.40 am to 6.00 pm aims to address community concerns while supporting local business continuity. After 12 months, the trial's impact will be reassessed to ensure the best outcomes for both the café and the Mona Vale community.

**TRIM file ref** 2024/554799

# ITEM 14.7 NOTICE OF MOTION NO 37/2024 - NORTHERN BEACHES INDOOR SPORTS CENTRE (NBISC)

#### COUNCILLOR GENCHER SUBMITTED THE FOLLOWING MOTION:

#### **MOTION**

#### That Council:

- 1. Support in principle the construction of 2 additional basketball, netball and volleyball courts with associated meeting rooms and car parking spaces as an extension to the existing facility.
- 2. Will support Northern Beaches Indoor Sports Centre in obtaining Owners Consent as well as an extension to the lease from the Department of Education.

#### BACKGROUND FROM COUNCILLOR GENCHER

Northern Beaches Indoor Sports Centre (NBISC) is a not-for-profit community indoor sports facility specialising in basketball, netball and volleyball at Warriewood. In 2001 NBISC built a 4-court facility located on land leased from the Education Department. In 2016 an additional 2 courts were added. The current lease expires in 2041.

Conditions of the lease require NBISC to "allow" the two adjoining schools Narrabeen Sports High School and Narrabeen North Primary School exclusive access to the facility from 8am to 4pm on school days. The average school use over past years is approximately 25% of the available time.

NBISC is a successful organisation with over 9,000 people passing through the doors each week and is ready to construct two new courts.

This year Manly Warringah Basketball Association turned away 100 teams or 1,000 players. The community needs more indoor courts.

**TRIM file ref** 2024/555064

# 15.0 NOTICES OF RESCISSION

ITEM 15.1 NOTICE OF RESCISSION NO 1/2024 - ITEM 10.2 - RESPONSE TO MAYORAL MINUTE 7/2024 - ENGAGING WITH THE NORTHERN BEACHES ABORIGINAL COMMUNITY

## COUNCILLORS PAGE, GENCHER AND WALTON SUBMITTED THE FOLLOWING MOTION:

#### **MOTION**

That Council rescind resolution 174/24 – Item 10.2 Response to Mayoral Minute 7/2024 – Engaging with the Northern Beaches Aboriginal Community, being:

### That Council:

- Receive a report identifying projects that can be delayed or deferred and approve the reallocation of ongoing funding and resources, including establishing an Aboriginalidentified staff position.
- 2. Await the results of our financials at quarter 1 and/or quarter 2 to see what funds are available and report back to a briefing on financial options.
- 3. Subject to funding, establish an Aboriginal and Torres Strait Islander Advisory Group, in consultation with Aboriginal and Torres Strait Islander stakeholders including the Metropolitan Local Aboriginal Land Council.

Should the rescission motion be adopted, we give notice that it is our intention to move the following motion in lieu thereof which due notice is hereby given:

## That Council:

- Note the report.
- Adopt option 1 the status quo.
- 3. Staff put a process in place to work closely with the Metropolitan Local Aboriginal Land Council to further the strategic outcomes of local aboriginal people.

## **TRIM file ref** 2024/543995

# **Attachments**

- July Council Meeting Item 10.2 Response to Mayoral Minute 7/2024 -Engaging with the Northern Beaches Aboriginal Community (Included In Attachments Booklet)
- ⇒2 Notice of Motion to Rescind or Alter a Resolution, dated 30 July 2024 (Included In Attachments Booklet)

# 16.0 QUESTIONS WITH NOTICE

# ITEM 16.1 QUESTION WITH NOTICE NO 5/2024 - INCREASED TENNIS COACHING FEES

## **COUNCILLOR GENCHER SUBMITTED THE FOLLOWING QUESTIONS:**

- 1. Did Council directly contact and/or consult with coaching users of Council tennis courts at Newport Community Centre and North Narrabeen Community & Tennis Centre before increasing the coaching rate fees 9% from \$22 in 2023-24 to \$24 in 2024-25? Were coaching users specifically notified that it was proposed to increase fees from \$22 to \$24?
- 2. Could Council please provide a copy of the Council Policy which requires coach court hirers to provide two weeks' notice before cancelling a court booking?
  - a. What is the rationale for a two week notice period?
  - b. Why has the cancellation period changed from 24 hours to two weeks?
  - c. Were coaching users consulted before making the change from 24 hours' notice to two weeks' notice especially noting, for example, that rain on the day of a booking can necessitate its cancellation?
- 3. Can Council officers please consider aligning coaching fees to casual user fees? If not, why not?

TRIM file ref 2024/555301
Attachments Nil

# ITEM 16.2 QUESTION WITH NOTICE NO 6/2024 - WE BELONG: INTERCULTURAL COMMUNITY LEADERS PROGRAM

# **COUNCILLOR GENCHER SUBMITTED THE FOLLOWING QUESTIONS:**

- 1. That Council confirm if the current funding allocated to the 'We Belong: Intercultural Community Leaders Program' which is funded by the NSW Government through the NSW Social Cohesion Grants for Local Government covers the entirety of the program's costs? If the funding only partially covers the program, please specify the shortfall amount that the Council will need to cover to fully fund the program.
- 2. What criteria will be used to assess applications and, and what metrics will be used to assess the effectiveness of the funded projects.

**TRIM file ref** 2024/557521

# 18.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

#### RECOMMENDATION

#### That:

- 1. In accordance with the requirements of section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:
  - A. Item 18.1 RFT 2024/072 Stuart and Ramsay Street Road End Seawall Works on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].
    - This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.
  - B. Item 18.2 RFT 2023/139 Dee Why Beach Gross Pollutant Trap (GPT) on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].
    - This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.
  - C. Item 18.3 Mayoral Minute No 14/2024 Annual Performance Review of the Chief Executive Officer July 2023 June 2024 on the basis that it involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors) [10A(2)(a) Local Government Act 1993].
    - This report discusses/provides advice concerning the Chief Executive Officers Review.
- The resolutions passed by Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.

# 19.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

In accordance with Part 15 of the Code of Meeting Practice, resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson as soon as practicable. The resolution must be recorded in the publicly available minutes of the meeting.