

## **MINUTES OF GENERAL MEETING**

Hosted audio-visually from the  
Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 9 September 2020  
at 6:30PM



## **PRESENT**

Councillors Ruddock (Chairman), Browne, del Gallego, Heyde, Hutchence, Marr, McIntosh, Nicita, Tilbury and Waddell.

Note: Prior to the playing of the National Anthem, the Mayor made the following statement:

*"This Council Meeting will be run under the COVID-19 emergency arrangements.*

*Councillors and senior staff are "attending" and participating in the Meeting via audio-visual links, whilst members of the public are viewing the Meeting through a link provided on Council's website.*

*The arrangements put in place by Council for this Meeting are in line with legislation recently enacted by the State Government to assist the efficient and effective operation of Council Meetings during this difficult period.*

*Whilst members of the public will not be able to participate in the Meeting process in real time, an opportunity has been created for the public to send in their submissions about individual items of business and for those to be read out by Council staff prior to discussion of the item.*

*I seek your patience and understanding should any issues occur whilst we are adapting to the new arrangements. We are certainly attempting to do our best in these trying circumstances."*

## **NATIONAL ANTHEM**

### **OPENING PRAYER**

The General Manager opened the meeting in prayer.

### **ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY**

Statement by the Chairman:

*"We recognise our Shire's rich cultural and religious diversity and we acknowledge and pay respect to the beliefs of all members of our community, regardless of creed or faith."*

### **ABORIGINAL RECOGNITION**

Statement by the Chairman:

*"We acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present."*

### **VIDEO AND AUDIO RECORDING OF COUNCIL MEETING**

Statement by the Chairperson:

*"I advise all present that tonight's meeting is being video streamed live via Council's website and also audio recorded for the purposes of providing a record of public comment at the meeting, supporting*

*the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The audio and video recordings of the non-confidential parts of the meeting will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so."*

## **APOLOGIES / LEAVE OF ABSENCE**

Nil

## **POLITICAL DONATIONS DISCLOSURE**

Statement by the Chairman:

*"In accordance with Section 10.4 of the Environmental Planning and Assessment Act 1979, any person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, and who has made a reportable political donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement.*

*If a Councillor or employee has received a reportable political donation or gift from a person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, they must declare a non-pecuniary conflict of interests to the meeting, disclose the nature of the interest and manage the conflict of interests in accordance with Council's Code of Conduct."*

## **DECLARATIONS OF INTEREST**

COUNCILLOR WADDELL declared a Less Than Significant Non-Pecuniary Interest in relation to Item 12 – PL17/20 - Hornsby Rural Lands Study. Refer to that Item for details.

COUNCILLOR HUTCHENCE made the following statement in relation to Item 12 – PL17/20 - Hornsby Rural Lands Study – "I wish to note that as per Council's interest register, my home is within the broad study area".

## **CONFIRMATION OF MINUTES**

RESOLVED ON THE MOTION OF COUNCILLOR MCINTOSH, seconded by COUNCILLOR NICITA, THAT the Minutes of the General Meeting held on Wednesday 12 August 2020 be confirmed, a copy having been distributed to all Councillors.

FOR: COUNCILLORS BROWNE, DEL GALLEGOS, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

## PETITIONS

Nil

## PRESENTATIONS

Nil

## RESCISSION MOTIONS

Nil

## MAYORAL MINUTES

Nil

## ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

THE MAYOR ANNOUNCED his intention to deal with the balance of the Business Paper by the exception method and announced the items.

Items 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 15 and 16 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR MCINTOSH, seconded by COUNCILLOR HEYDE, THAT the recommendations in respect of items 1, 9, 11 and 14 be adopted.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

For the sake of clarity, the above items are recorded in Agenda sequence.

Note: Persons wishing to address Council on matters which were on the Agenda were permitted to provide a written submission and these were provided to Councillors and senior staff prior to the Meeting. A selection of the submissions were read to the Meeting by the General Manager prior to the item being discussed. The names of all submission writers are recorded in the Minutes in respect of the particular item.

## GENERAL BUSINESS

### OFFICE OF THE GENERAL MANAGER

**1 GM25/20 COVID-19 Pandemic - Update on Council's Response**

**(F2009/00827)**

RESOLVED ON THE MOTION OF COUNCILLOR MCINTOSH, seconded by COUNCILLOR HEYDE,

THAT the contents of the General Manager's Report No. GM25/20 be received and noted.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR,  
MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**2 GM18/20 Draft Sustainable Hornsby 2040**

**(F2018/00162#10-002)**

Mrs Trish Brown, on behalf of Byles Creek Valley Union Inc provided two submissions to Council regarding this item.

Ms Jan Primrose, on behalf of Protecting Your Suburban Environment Inc. provided a submission to Council regarding this item.

Ms Jacqui Taylor, of Hornsby provided a submission to Council regarding this item.

Ms Lucy Bal, of Hornsby provided a submission to Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR MCINTOSH,

THAT:

1. The draft Sustainable Hornsby 2040 Strategy; Biodiversity Conservation Strategy; Urban Forest Strategy; Water Sensitive Hornsby Strategy and Climate Wise Hornsby Plan attached to General Manager's Report No. GM18/20 be placed on public exhibition for a period of 42 days.
2. Following exhibition, a report on submissions be presented to Council for its consideration.
3. The draft strategies be provided to neighbouring Councils, in particular Ku-ring-gai, Northern Beaches and Central Coast, to ensure a collaborative approach is undertaken for the implementation of actions which are of regional significance.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR,  
MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**3 GM20/20 Performance Report June 2020 - Delivery Program 2019-21 and Quarterly Budget Review Statement**

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR WADDELL,

THAT the:

1. June 2020 Performance Report showing progress of the Delivery Program 2019-21 including the 2019/20 Operational Plan and Budget be received and noted.
2. Quarterly Budget Review Statement for the period ending June 2020 be received and noted.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**4 GM21/20 Draft Hornsby Shire Council Car Parking Management Study**

(F2007/01499-001)

Ms Rosemary Michalowski, of Brooklyn provided a submission to Council regarding this item.

Mr Robert Arnold, on behalf of the Brooklyn Community Association provided a submission to Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR HUTCHENCE,

THAT Council:

1. Adopt the Hornsby Shire Car Parking Management Study as a technical document to provide overall car parking policy direction and recommendations for Council over a 10-year horizon in accordance with General Manager's Report No. GM21/20.
2. Undertake engagement with stakeholders where appropriate, to build community and stakeholder support in advance of implementation of any recommendation in the Hornsby Shire Car Parking Management Study within a precinct.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**5 GM22/20 Environmental Sustainability Advisory Committee - Membership**

## **Vacancy**

**(F2004/09491-006)**

RESOLVED ON THE MOTION OF COUNCILLOR HEYDE, seconded by COUNCILLOR MCINTOSH, THAT Council endorse Inaara Jindani as a community representative to sit on the Environmental Sustainability Advisory Committee for the remainder of this term of Council.

FOR: COUNCILLORS BROWNE, DEL GALLEG0, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

### **6 GM24/20 NSW Model Code of Conduct and Procedures - Amendments**

**(F2005/00156)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR MCINTOSH,

THAT the wording contained within the 2020 Model Code of Conduct for Local Councils in NSW and 2020 Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW as prescribed under the Local Government (General) Regulation 2005 be adopted and incorporated into the Hornsby Shire Council Code/s of Conduct and Procedures documents respectively.

FOR: COUNCILLORS BROWNE, DEL GALLEG0, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

## **CORPORATE SUPPORT DIVISION**

### **7 CS20/20 Local Government NSW - 2020 Annual Conference - Submission of Motions and Determination of Voting Delegates**

**(F2020/00183)**

RESOLVED ON THE MOTION OF COUNCILLOR MCINTOSH, seconded by COUNCILLOR BROWNE,

THAT:

1. Motions titled Amendment to the Companion Animal Act 1998 to Prohibit Cats Roaming; and Amendment to Clause 263 of the Environmental Planning and Assessment Regulation 2000 as detailed in Director's Report No. CS20/20, be submitted for consideration at the 2020 Local Government NSW (LGNSW) Annual Conference.

2. Councillors Ruddock, Browne, Heyde, Hutchence, Marr, McIntosh, Nicita, Tilbury and Waddell be Council's voting delegates for voting on motions at the 2020 LGNSW Annual Conference.
3. Registrations for attendance at the 2020 LGNSW Annual Conference be confirmed for the voting delegates determined in point 2. above, and Councillor del Gallego if he decides to attend the Conference as an observer.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**8 CS23/20 Election of Deputy Mayor**

**(F2004/07075)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR WADDELL,

THAT:

1. Council elect a Deputy Mayor for the period to September 2021.
2. The election of Deputy Mayor be conducted by the General Manager using the Open Voting method.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

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The General Manager announced that he had received two written nominations for the position of Deputy Mayor, nominating Councillor Hutchence and Councillor del Gallego. No further nominations were received. Councillor Hutchence and Councillor del Gallego confirmed and accepted the nominations.

The General Manager explained the procedures for voting by the Open Voting method and conducted the election in respect of the candidates.

At the conclusion of the count, the General Manager announced that Councillor Hutchence had received six votes and Councillor del Gallego had received four votes. Councillor Hutchence was elected as Deputy Mayor for the period to September 2021.

**9 CS24/20 Schedule of Council Meetings and Order of Business to Apply at**



**Those Meetings - October 2020 to September 2021**

**(F2004/07032)**

RESOLVED ON THE MOTION OF COUNCILLOR MCINTOSH, seconded by COUNCILLOR HEYDE,  
THAT Council:

1. Adopt the schedule of ordinary Council meetings for the period October 2020 to August 2021 as set out in Attachment 1 of Director's Report No. CS24/20.
2. Adopt the order of business for the ordinary Council meetings to be held in the period October 2020 to August 2021 as set out in Attachment 2 of Director's Report No. CS24/20.
3. Note that due to the next Council election being held in September 2021, a report will be submitted for Council's consideration in August 2021 dealing with the schedule of meetings and order of business to apply at meetings of the new Council from October 2021.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR,  
MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**10 CS25/20 Councillor Representation on Committees, Working Parties and Other Relevant Groups - October 2020 to September 2021**

**(F2004/07056)**

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR HUTCHENCE,

THAT:

1. Councillor representation on Committees, Working Parties and Other Relevant Groups for the period October 2020 to September 2021 be the same as applied for the period October 2019 to September 2020 as indicated in the table below:

<b>Council Committee / Working Party</b>	<b>Councillor Representation</b>
Bushland Management Advisory Committee (BMAC)	Cr Browne (Chair), Cr Marr (Deputy Chair), Cr Hutchence, Cr Nicita
Environmental Sustainability Committee	Cr McIntosh (Chair), Cr Heyde (Deputy Chair), Cr Browne, Cr Marr, Cr Nicita
Catchments Remediation Rate (CRR) Expenditure Review Committee	Cr Nicita (Chair), Cr Browne (Deputy Chair)
Floodplain Risk Management Committee (FRMC)	Cr Nicita, Cr Hutchence (Alternate)
Friends of Lisgar Gardens	Cr Browne, Cr Heyde (Alternate)
Homelessness Task Force	Cr Nicita, Cr Marr (Alternate), Cr

	Waddell (Alternate)
Hornsby Aboriginal and Torres Strait Islander Consultative Committee (HATSICC)	Cr Ruddock, Cr Browne, Cr Heyde, Cr McIntosh, Cr Nicita, Cr Waddell
Hornsby Art Prize Committee	Cr Browne (Chair)
Hornsby Ku-ring-gai Bush Fire Management Committee	Cr Ruddock, Cr Hutchence (Alternate), Cr Marr (Alternate), Cr McIntosh (Alternate), Cr Tilbury (Alternate)
Hornsby Ku-ring-gai Police and Community Youth Club	Cr Browne, Cr Nicita (Alternate)
Hornsby Rural Fire Service Liaison Committee	Cr Hutchence, Cr Ruddock (Alternate), Cr Nicita (Alternate), Cr McIntosh (Alternate), Cr Tilbury (Alternate)
Hornsby Shire Heritage Advisory Committee	Cr McIntosh (Chair), Cr Browne (Deputy Chair), Cr Heyde, Cr Hutchence, Cr Nicita (Alternate), Cr Tilbury (Alternate)
Hornsby Shire Local Traffic Committee	Cr Hutchence, Cr Browne (Alternate), Cr del Gallego (Alternate)
Local Government Reference Group – North West Rail Link Urban Renewal Program	Cr Ruddock, Cr Browne, Cr del Gallego, Cr Heyde, Cr Hutchence, Cr McIntosh
Lower Hawkesbury Estuary Management Committee	Cr Tilbury (Chair), Cr Waddell (Deputy Chair), Cr Marr
Northern Sydney Regional Organisation of Councils (NSROC)	Cr Ruddock, Cr Tilbury, Cr Browne (Alternate), Cr del Gallego (Alternate), Cr Heyde (Alternate), Cr McIntosh (Alternate)
NSW Public Libraries Association	Cr McIntosh, Cr Heyde (Alternate), Cr Nicita (Alternate)
“Wellum Bulla” Hornsby Shire Council Materials Handling Facility Monitoring Committee	Cr Browne, Cr Hutchence

2. That the Core Terms of Reference for Council's Advisory Committees provided as Attachment 2 to Director's Report No. CS25/20 be amended to include a provision that the minutes of Council's Advisory Committees are reported to Council on a quarterly basis.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**11 CS28/20 Investments and Borrowings for 2020/21 - Status for Period Ending 31**

**July 2020**

**(F2004/06987-02)**

RESOLVED ON THE MOTION OF COUNCILLOR MCINTOSH, seconded by COUNCILLOR HEYDE,  
THAT the contents of Director's Report No. CS28/20 be received and noted.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR,  
MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

#### **COMMUNITY AND ENVIRONMENT DIVISION**

Nil

#### **PLANNING AND COMPLIANCE DIVISION**

**12 PL17/20 Hornsby Rural Lands Study**

**(F2018/00162#04)**

Ms Jan Primrose, on behalf of Protecting Your Suburban Environment Inc. provided a submission to Council regarding this item.

Mr John Inshaw, of Galston provided a submission to Council regarding this item.

Note: COUNCILLOR WADDELL declared a Less Than Significant Non-Pecuniary Interest in this item under Clause 5.11 of Council's Code of Conduct (see Declarations of Interest in these Minutes). The nature of interest was stated by COUNCILLOR WADDELL on the Declaration of Interest form as "I operate a business within the rural area" and the explanation of why the interest does not require further action in the circumstances was "The report presented is only a summary consultants observations that if adopted opens the issues raised for further discussion and community engagement".

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE,  
THAT:

1. The draft Rural Lands Study (incorporating the Strategy and Background Report) be placed on public exhibition for a period of six weeks in accordance with the consultation strategy outlined in Director's Report No. PL17/20.
2. Following exhibition, a report on submissions be presented to Council for its consideration.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR,

AGAINST: NIL

**13 PL19/20 Exhibition of the Proposed Housing Diversity State Environmental Planning Policy**

**(F2004/07599-02)**

RESOLVED ON THE MOTION OF COUNCILLOR MARR, seconded by COUNCILLOR BROWNE,  
THAT:

1. A submission regarding the proposed Housing Diversity State Environmental Planning Policy be submitted to the Department of Planning, Industry and Environment outlining the issues raised in Director's Report No. PL19/20 including (but not limited to):
  - a) Support for the proposal to no longer mandate boarding houses as a permissible use in the R2 - Low Density Residential zone.
  - b) Raise concern in relation to the proposal to mandate build-to-rent housing in the R3 Medium Density zone and the B3 Commercial Core zone.
  - c) Raise concern with any proposal to amend State Environmental Planning Policy (Affordable Rental Housing) 2009 that would include rural secondary dwellings and provide a complying development pathway.
2. Following the release of a draft State Policy or making of a Policy by the State Government concerning Housing Diversity, a Councillor Workshop be held to discuss the implications of the Policy for Hornsby Shire and possible changes to Council's planning controls in response.
3. The Workshop consider any related findings following the exhibition of the Hornsby Shire Housing Strategy, Affordable Housing Discussion Paper and Seniors Housing Demand and Supply Review.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR,  
MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

**14 PL20/20 NSW Public Spaces Legacy Program**

**(F2019/00118)**

RESOLVED ON THE MOTION OF COUNCILLOR MCINTOSH, seconded by COUNCILLOR HEYDE,

THAT Council:

1. Endorse participation in the NSW Public Spaces Legacy Program.
2. Acknowledge that to achieve the required reduction in assessment times, initiatives would focus on improvement of application quality through the ePlanning Portal; provision of one opportunity for submission of amended plans/additional information; greater adherence to requirements in Council's Community Participation Plan; and focus of staff resources on assessments.
3. Request that funding for Hornsby Shire be increased to \$4.75 million to be consistent with that offered to the other North District Councils and as Hornsby Shire has a demonstrated shortfall of active open space.

FOR: COUNCILLORS BROWNE, DEL GALLEGOS, HEYDE, HUTCHENCE, MARR,  
MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

#### **INFRASTRUCTURE AND MAJOR PROJECTS DIVISION**

Nil

#### **PUBLIC FORUM – NON AGENDA ITEMS**

Nil

#### **QUESTIONS WITH NOTICE**

Nil

#### **MAYOR'S NOTES**

Nil

#### **NOTICES OF MOTION**

##### **15 NOM14/20 Dual Naming of Existing Council Sites**

**(F2005/01147-002)**

Dr Mariko Smith, on behalf of HATSICC provided a submission to Council regarding this item.

Mr Tristan Tipps-Webster, on behalf of Reconciliation NSW provided a submission to Council regarding this item.

Mr Michael Bennett, on behalf of Hornsby Area Residents for Reconciliation provided a submission to Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR MCINTOSH, seconded by COUNCILLOR BROWNE,

THAT:

1. Council recognises recent suggestions from local residents together with the recommendations of our Hornsby Aboriginal and Torres Strait Islander Consultative Committee (HATSICC) for Council to consider new or dual naming of existing Council sites.
2. Council has a history of Aboriginal naming of new sites and facilities - as evidenced by the naming of Wellum Bulla Materials Handling Facility and Wallarobba Arts and Cultural Centre.
3. It is acknowledged that currently each request is dealt with on its individual merit, without the benefit of an over-arching strategy or protocol.
4. It is identified that it would be of benefit if Council developed and adopted a policy for assessing naming or dual naming suggestions, in consultation with HATSICC, traditional Aboriginal Elders and language/knowledge-holders and other local stakeholders and in accordance with the requirements of the Geographical Names Board.
5. The policy would be intended to provide Council with a process for dealing with application of appropriate Aboriginal words or names for the Aboriginal naming or dual naming of sites or facilities; define the role of Council, HATSICC and local Aboriginal community members in this process and establish an enduring framework to acknowledge local Aboriginal culture and heritage.
6. A workshop be held with Councillors to discuss the process of developing a local Naming Policy, in accordance with the recent Geographical Names Board "Place Naming" Policy and how this could assist Council in assessing applications received by the community and in the Council naming of significant local sites, such as the Hornsby Quarry and Westleigh Parklands.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK, TILBURY AND WADDELL

AGAINST: NIL

## **16 NOM15/20 Decisions of Council**

**(F2020/00029)**

Mr John Inshaw, of Galston provided a submission to Council regarding this item.

Mr Gary Schroder, of Hornsby provided a submission to Council regarding this item.

Ms Justine Smillie, of Galston provided a submission to Council regarding this item.

Ms Noeleen Louise Russell, of Mt Colah provided a submission to Council regarding this item.

Mr Stuart Crossman, of Normanhurst provided a submission to Council regarding this item.

Mrs Trish Brown, on behalf of Byles Creek Valley Union Inc provided a submission to Council regarding this item.

Ms Monika Ball, of Pennant Hills provided a submission to Council regarding this item.

Ms Catherine Gordon, of Hornsby provided a submission to Council regarding this item.

Ms Colleen Dancer, of Hornsby Heights provided a submission to Council regarding this item.

Mr John Hayes, of Galston provided a submission to Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR WADDELL,

THAT an Informal Workshop of Councillors be held to discuss the Council's current policies when dealing with complainants or submitters to ensure all residents receive equitable treatment by staff and the elected body and whether or not there should be further adjustments to any policy to ensure that outcome.

AN AMENDMENT WAS MOVED BY COUNCILLOR HEYDE, seconded by COUNCILLOR DEL GALLEGOS,

THAT Council:

1. Note that Councillors have a fundamental democratic obligation and responsibility to listen to and take into account the views of all residents and ratepayers in their decision-making; that they are required to make decisions in the best interests of the whole community and that Councillors have been trained in their obligations with regard to listening to the community and making decisions having considered the multitude of views that are often expressed.
2. Acknowledge that every year, large numbers of residents and ratepayers commit considerable time and energy to take note of Council decisions, policies and strategic surveys and to express their views and opinions to Councillors and staff, and that Council values their participation.
3. Note that Hornsby Shire Council has a proud record of creating opportunities for residents and ratepayers, community groups and stakeholders to have a say on Council business, including but not limited to, via statements in the public forum of Council meetings; emails, letters and phone calls to Councillors, the General Manager and senior staff; input into the development of and making submissions to draft policies, plans, strategies and decisions on public exhibition; social media outlets including Facebook and Instagram; Snap & Send; through Council's customer request systems, and formal surveys of residents.
4. Note that Hornsby Shire Council remains committed to building open, transparent and active relationships with the community; will seek to uphold the highest standard of engagement; believes that anyone affected by a decision should have the right to be involved in the decision-making process; and acknowledges that all levels of participation are legitimate.
5. Acknowledge that there are documents and policies that exist to guide Councillors' decision-making and interaction with the community. They include:

- The NSW Local Government Act 1993
  - The Office of Local Government's Councillor Handbook
  - The Office of Local Government's Stand for Your Community publication
  - The ICAC Guide – Lobbying Local Government Councillors
  - Hornsby Shire Council's Code of Conduct
  - Hornsby Shire Council's Community Engagement Strategy
  - Hornsby Shire Council's Code of Meeting Practice
  - Hornsby Shire Council's Complaints Handling Policy
  - Hornsby Shire Council's Customer Service Policy
6. Note the detail from each of these documents as relevant to Councillor interactions with residents, as follows:
- Guiding Principles for Councils and Role of a Councillor (from the Act and Office of Local Government documents)
    - A Councillor's role as an elected representative is to provide an essential link between the community and Council
    - Councillors have a responsibility to make decisions in the best interests of the whole community when deciding on the provision of services and allocation of resources
    - Councillors must attempt to find a balance between the obligation to represent the interests of individual constituents and the need to make decisions on behalf of the whole community
    - If a Councillor thinks that a policy needs changing, they need to debate this in a full meeting of the Council. It is inappropriate for a Councillor to informally attempt to ignore or alter a policy in order to satisfy the demands of special groups.
    - The role of Councillors is defined in Section 232 of the Act.
  - The ICAC Guide (currently being updated) provides discussion about issues including:
    - What lobbying means and who is a lobbyist
    - What is inappropriate lobbying
    - Examples of inappropriate lobbying
    - The need to be transparent
    - How to deal with late submissions
    - Tendering



- The Code of Conduct outlines the ethical standards with which Councillors are expected to comply, namely:
  - Act lawfully, honestly and with care and diligence in carrying out their functions
  - Not conduct themselves in a manner that is likely to bring the Council into disrepute
  - Treat others with respect
  - Consider issues consistently, promptly and fairly
  - Not harass or discriminate against others
  - Ensure that decisions of the Council are properly made
  - Not participate in binding caucus votes
- Council's Community Engagement Strategy includes details around the following:
  - What we mean by engagement
  - What communities have told us about engagement
  - Who should we engage with
  - Principles of engagement
  - Keeping everyone informed
- The Public Forum section of the Code of Meeting Practice makes provision for an individual speaking on behalf of a community group to provide details which will assist Councillors with understanding the extent of community input being received from that individual:
  - The name of the group
  - What position they hold in the group
  - The number of members in the group
  - The authorisation by the group to make representation to Council on the matter
- The Complaints Handling Policy sets customer expectations for the management of complaints made to Council. It also provides guidance in respect of:
  - The lodgement of complaints
  - Customers who cannot be satisfied
  - Customers who make unreasonable demands
  - Customers who constantly raise the same issues with different staff
  - Customers who are rude, abusive or aggressive

- Limiting a customer's access to Council
  - The Customer Service Policy includes the following:
    - Council acknowledges its diverse range of customers and will endeavour to provide fair, effective and appropriate customer service irrespective of individual background and difference
    - Staff and Councillors will strive to meet the needs of customers in a friendly, professional and ethical manner with courteous and efficient service
    - Council will respond to all correspondence within 14 days
    - Staff should keep the customer reasonably informed of progress on matters that require lengthy action or investigation
7. Note that any Councillor who desires further training in this area should be provided with an opportunity to do so.

THE AMENDMENT MOVED BY COUNCILLOR HEYDE, seconded by COUNCILLOR DEL GALLEGO WAS PUT AND LOST

FOR: COUNCILLORS DEL GALLEGO, HEYDE, MARR, MCINTOSH AND NICITA

AGAINST: COUNCILLORS BROWNE, HUTCHENCE, RUDDOCK, TILBURY AND WADDELL

Note: Councillor Ruddock indicated to the Meeting that he had abstained from voting on this amendment. Therefore, in accordance with Clause 11.5 of Council's Code of Meeting Practice, Councillor Ruddock was taken to have voted against the amendment.

Note: Councillor Ruddock indicated to the Meeting that he had abstained from using his casting vote on this amendment. Therefore, in accordance with Clause 11.3 of Council's Code of Meeting Practice, Councillor Ruddock was taken to have voted against the amendment.

THE MOTION MOVED BY COUNCILLOR TILBURY, seconded by COUNCILLOR WADDELL WAS PUT AND LOST

FOR: COUNCILLORS BROWNE, HUTCHENCE, TILBURY AND WADDELL

AGAINST: COUNCILLORS DEL GALLEGO, HEYDE, MARR, MCINTOSH, NICITA AND RUDDOCK

Note: Councillor Ruddock indicated to the Meeting that he had abstained from voting on this motion. Therefore, in accordance with Clause 11.5 of Council's Code of Meeting Practice, Councillor Ruddock was taken to have voted against the motion.

**MATTERS OF URGENCY**

Nil

**QUESTIONS WITHOUT NOTICE**

Nil

**THE MEETING** terminated at 8:36pm.

These Minutes were confirmed at the meeting held on Wednesday 14 October 2020, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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