



BUSINESS PAPER

General Meeting

Wednesday 8 July 2026

at 6:30 PM



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AGENDA AND SUMMARY OF RECOMMENDATIONS

ACKNOWLEDGEMENT OF COUNTRY

Statement by the Chairperson:

"Council recognises the Traditional Owners of the lands of Hornsby Shire, the Darug and GuriNgai peoples, and pays respect to their Ancestors and Elders past and present and to their Heritage. We acknowledge and uphold their intrinsic connections and continuing relationships to Country."

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

"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."

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

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairperson:

"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

Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Clause 4.16 and 4.17 of Council's Code of Conduct for Councillors requires that a councillor or a member of a Council committee who has a pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

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

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

- a) at any time during which the matter is being considered or discussed by the council or committee, or*
- b) at any time during which the council or committee is voting on any question in relation to the matter.*

Clause 5.10 and 5.11 of Council's Code of Conduct for Councillors requires that a councillor or a member of a Council committee who has a non pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

5.10 Significant non-pecuniary conflict of interests must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or*
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.*

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

CONFIRMATION OF MINUTES

THAT the Minutes of the General Meeting held on 10 June, 2026 be confirmed; a copy having been distributed to all Councillors.

PETITIONS**PRESENTATIONS****RESCISSION MOTIONS****MAYORAL MINUTES****ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS**Note:

Persons wishing to address Council on matters which are on the Agenda are permitted to speak, prior to the item being discussed, and their names will be recorded in the Minutes in respect of that particular item.

*Persons wishing to address Council on **non agenda matters**, are permitted to speak after all items on the agenda in respect of which there is a speaker from the public have been finalised by Council. Their names will be recorded in the Minutes under the heading "Public Forum for Non Agenda Items".*

GENERAL BUSINESS

- *Items for which there is a Public Forum Speaker*
- *Public Forum for non agenda items*
- *Balance of General Business items*

OFFICE OF THE GENERAL MANAGER**Page Number 1****Item 1 GM7/26 UNREASONABLE CONDUCT POLICY****RECOMMENDATION**

THAT the Unreasonable Conduct Policy attached to General Manager's Report No. GM57/26 be adopted.

CORPORATE SUPPORT DIVISION**Page Number 12**

Item 2 CS26/26 INVESTMENTS AND BORROWINGS FOR 2025/2026 - STATUS FOR THE PERIOD ENDING 31 MAY 2026

RECOMMENDATION

THAT the contents of Director's Report No. CS26/26 be received and noted.

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION

Nil

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

CONFIDENTIAL ITEMS

Item 3 CS29/26 RENEWAL OF LEASE OF OPERATIONAL LAND AT HORNSBY

This report should be dealt with in confidential session, under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS WITH NOTICE

Page Number 15

Item 4 QWN5/26 ACTIVE TRANSPORT STRATEGY FOR HORNSBY

MAYOR'S NOTES

Page Number 16

Item 5 MN6/26 MAYOR'S NOTES 01 JUNE 2026 - 30 JUNE 2026

NOTICES OF MOTION**Page Number 18****Item 6 NOM8/26 IMPROVED TRANSPARENCY AND COMMUNITY UNDERSTANDING OF
THE FOOTPATH FORWARD PROGRAM**

COUNCILLOR SIMONS TO MOVE,

THAT Council:

Resolve to review the way the Footpath program is formulated, updated and maintained to ensure best alignment with strategic objectives, transparency and active community consultation, and requests the General Manager to:

1. Review the existing Footpath Forward Program prioritisation methodology Including:
 - a) The current assessment framework and criteria used to prioritise footpath projects;
 - b) Benchmarking other Council's on methodology used and prioritisation frameworks;
 - c) alignment with Council's place-based planning and forward schedule of community facilities uplift/renewal;
 - d) Opportunities to incorporate community input to the prioritisation process;
 - e) Processes for amending priorities.
2. Investigate opportunities to improve public access to and awareness of the Footpath Forward Program, including the feasibility of publishing mapping and prioritisation information through Council's website.
3. Conduct a Council workshop, including any resource implications associated with implementing additional improvements to the Footpath Forward Program.

SUPPLEMENTARY AGENDA**MATTERS OF URGENCY**

1 UNREASONABLE CONDUCT POLICY

EXECUTIVE SUMMARY

- At the General Meeting held on 10 September 2025, Council considered a Notice of Motion submitted by Councillor Tilbury in relation to how to manage behaviour that may constitute harassment, intimidation, threats, or hate speech.
- The resolution of Council sought, in part, consideration of the development and implementation of a policy on harassment, defined as unwelcome conduct that offends, humiliates, or intimidates, and cyberbullying, defined as the use of technology, to harass, threaten, embarrass, or target another person, to guide elected officials and Council employees on the required responses to such conduct.
- Following consideration of the draft Unreasonable Conduct Policy at the General Meeting on 8 April 2026, Council resolved to place the Policy on exhibition for 28 days and consider the submissions prior to adoption of the final Policy.

RECOMMENDATION

THAT the Unreasonable Conduct Policy attached to General Manager's Report No. GM57/26 be adopted.

PURPOSE

The purpose of this Report is to adopt an *Unreasonable Conduct Policy* in response to a Notice of Motion considered at the Council Meeting on 10 September 2025 and following consideration of submissions following a period of public exhibition.

BACKGROUND

At the General Meeting held on 10 September 2025, Council considered a Notice of Motion submitted by Councillor Tilbury and resolved as follows:

THAT Council:

1. Provide all Councillors information at an Informal Councillor Briefing on their rights and responsibilities when receiving communication in any form, including via social media or experiencing behaviour that may constitute harassment, intimidation, threats, or hate speech, including:
 - a) Provide a comprehensive guide to both Commonwealth and State criminal and civil legislation covering harassment and cyberbullying in Australia.
 - b) Guidance on recognising when correspondence may breach Commonwealth or NSW law.
 - c) Outline the recommended steps for reporting conduct that demeans, intimidates, threatens or offends Council elected officials or employees.
 - d) Support services available to Councillors and staff, specifically that which is provided through LGNSW and specifically designed for local councils and elected officials.
 - e) Consideration of the development and implementation of a policy on harassment, defined as unwelcome conduct that offends, humiliates, or intimidates, and cyberbullying, defined as the use of technology, to harass, threaten, embarrass, or target another person, to guide elected officials and Council employees on the required responses to such conduct.
 - f) Any other action or information the General Manager deems relevant.
2. Condemn any form of threatening, intimidatory, harassing, or hateful communication or behaviour directed at elected officials or Council staff.
3. Take all necessary steps that it can reasonably undertake to protect the safety, wellbeing, and dignity of its elected members and staff.

At the General Meeting held on 8 April 2026, Council considered a draft Unreasonable Conduct Policy and resolved as follows:

THAT:

1. The draft Unreasonable Conduct Policy attached to General Manager's Report No. GM4/26 be placed on public exhibition, subject to the following amendments:

POLICY STATEMENT:

1. (b) Amend to read:

- b. The health, safety, and security of all Council officials who have the right not to experience harassment, vexatious and threatening behaviour; and

4. (c) and (d) Amend to read:

- c. The 'Nominated Manager' assess and prioritise the behaviour in accordance with their seriousness and urgency. If there is an immediate risk to safety or security the response will be immediate, and
- d. Where appropriate, the behaviour will be escalated to Police.

LEGAL AND POLICY FRAMEWORKS:

4. Amend to read:

- 4. Council will only collect personal information necessary for managing incidents and access decisions, provide collection notices, secure records, and manage access/correction rights in line with the *Privacy and Personal Information Protection Act 1998* (NSW), and the *Privacy Code of Practice for Local Government (2019)* (NSW).

5. (e) – (m) Insert additional legislative references:

- e. *Crimes Act (NSW) 1900 (NSW)*
- f. *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (see APVO pathways).
- g. *Ombudsman Act 1974 (NSW)*
- h. *Online Safety Act 2021* (Cth); eSafety adult cyber-abuse scheme
- i. *Work Health and Safety Regulation 2017 (NSW)*
- j. *Disability Discrimination Act 1992* (Cth)
- k. *Racial Discrimination Act 1975* (Cth)
- l. *Sex Discrimination Act 1984* (Cth)
- m. *Independent Commission Against Corruption Act 1988 (NSW)*

- 2. Following public exhibition, after consideration of all submissions, the draft Unreasonable Conduct Policy, be referred to Council for further consideration and adoption.

DISCUSSION

Following a period of public exhibition of 33 days there were 9 submissions and these are summarised as follows:

Submission 1 – Private individual

Submission was supportive of the draft Policy.

Comment:

No changes are proposed in response.

Submission 2 – Private individual

This submission broadly supported the draft Policy but recommended more emphasis be given to staff training for de-escalation strategies, and questioned how voluminous correspondence from "Sovereign Citizens" should be dealt with.

Comment:

Council provides ongoing training to frontline employees in dealing with challenging interactions. Since 2025, lifeline has trained 104 employees in managing aggressive behaviours and strategies to de-escalate. During 2022 – 2025, Council provided a combination of online and workshop training options through another provider in dealing with aggressive behaviours. 202 employees completed the online module and 39 employees attended face to face training.

With respect to “Sovereign Citizens” they do not identify themselves as such. Accordingly all correspondence is considered on its merits. On occasions where residents claim to not be subject to the jurisdiction of the Commonwealth, State or Local Government laws our practice is to not debate these assertions but continue with the relevant matter in accordance with our established practices, procedures and policies.

Submission 3 – Private individual

This submission strongly objects to how the proposed policy goes beyond the intentions, and fails to align with, the NSW Ombudsman’s ‘Managing Unreasonable Conduct by Complainants’ framework.

The submission agreed with the need to mitigate excessive behaviour but sought to ensure it preserves access to community involvement and the ability of residents to contact and advocate for outcomes that they are entitled to petition.

The submission believed the draft policy extends beyond the framework outlined by the Ombudsman in that it:

- Extends to anywhere in the LGA
- Applies to personal or private contact
- Captures online commentary
- Enables bans from premises and service not directly connected to the conduct

Comment:

It is agreed that the number of cases being dealt with under this Policy would be ‘very few in number’ and that ‘every decision should be tailored to each situation with extreme care taken in the actions of Councillors and staff’.

The draft Policy is not designed to relate to complainants only hence is not intended to align directly with the Ombudsman’s Guidelines. Council already has a Complaints Handling Policy which was last adopted on 9 April 2025. This adopted Policy already includes the following sections which have been in place since at least 2008:

- Customers Who Cannot Be Satisfied
- Customers Who Make Unreasonable Demands
- Customers Who Consistently Raise the Same Issues with Different Staff
- Customers Who are Rude, Abusive or Aggressive
- Limiting a Customer’s Access to Council

Even though this existing Policy has had provisions for managing and limiting a complainant’s contact with Council, these provisions have only ever been used on very rare occasions.

Most of the unreasonable conduct and behaviour the draft Policy is seeking to address is not from complainants but from person/s engaging in day-to-day interactions with public officials. Examples include:

- Individuals who are being contacted in response to a complaint from a third party related to a barking dog or dog off-leash, alleged illegal tree works, noise complaints, unauthorised use of premises etc, and respond aggressively to being contacted or approached by the staff member,
- Individuals exhibiting unruly behaviour at our libraries and aquatic centres and become abusive when asked to curb their behaviour,
- Individuals who have been fined for breaches of environmental laws or parking infringements and abuse the staff issuing the fines,
- Individuals who are refused consent to remove a private tree and become abusive towards the Tree Management Officer/s.

In each of these examples the individual is not a complainant.

For the avoidance of doubt, and to allay concerns the draft Policy could be used to stifle legitimate advocacy, the following text (being the NSW Ombudsman definitions) has been inserted under the Definitions section to clarify exactly the behavioural characteristics this Policy is seeking to address.

Where the NSW Ombudsman has referred to “complainant” the word “individual” has been substituted. Where the NSW Ombudsman has referred to “complaint” the word “matter” has been substituted.

Unreasonable conduct

Most individuals act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration, and anger about their matter. However, in a very small number of cases individuals display inappropriate and unacceptable behaviour. This may include being abusive or aggressive towards officers, threatening harm and violence, or excessively contacting or attempting to contact officers. They may make inappropriate demands on officers' time and resources or refuse to accept decisions or recommendations made in relation to their matter. When individuals behave in these ways (and where there are no factors that could reasonably explain their behaviour) we consider their conduct to be ‘unreasonable’.

In short, unreasonable conduct by an individual is any behaviour which, because of its nature or frequency raises substantial health, safety, or resource or equity issues for our office, our officers, other service users and individuals or the individual themselves.

Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by an individual that has a disproportionate and unreasonable impact on our office, officers, services, time or resources. Some examples of unreasonably persistent behaviour include:

- an unwillingness or inability to accept reasonable and logical explanations, including final decisions that have been comprehensively considered and dealt with (even when it is evident the individual understands what they have been told)
- persistently demanding a review simply because it is available without arguing or presenting a case for one

- refusing to accept that we cannot or will not take further action on their matter

Unreasonable demands

Unreasonable demands are any demands expressly made by an individual that have a disproportionate and unreasonable impact on our office, officers, services, time, or resources. Examples include individuals:

- issuing instructions and making demands about how to handle their matter, the priority it should be given or the outcome to be achieved
- insisting on talking to a manager or member of the Executive personally when they have been given reasons why this is not appropriate or warranted
- engaging in emotional blackmail or manipulation resulting in intimidation, harassment, shaming or seduction, or portraying themselves as being victimised when this is not the case

Unreasonable lack of cooperation

Unreasonable lack of cooperation is when an individual is unwilling or unable to cooperate with officers or the process – resulting in disproportionate and unreasonable use of our services, time, or resources. Some examples of unreasonable lack of cooperation include:

- sending a high volume or constant stream of complex or disorganised information without clearly defining the issue at hand or explaining how the material provided relates to their matter (where the individual is clearly capable of doing this)
- providing little or no detail about their matter or providing information in ‘drips and drabs’
- declining to follow or accept our suggestions or advice without a clear or justifiable reason for doing so

Unreasonable arguments

Unreasonable arguments include any arguments that are not based on any reason or logic, that are incomprehensible, false, inflammatory or trivial, and that disproportionately and unreasonably impact upon our office, officers, services, time, or resources. Arguments are unreasonable when they:

- fail to follow a logical sequence that the individual can explain to an officer
- are not supported by any information
- are based on conspiracy theories, or
- lead an individual to reject all other valid and contrary arguments

Unreasonable behaviours

Unreasonable behaviour is conduct that is unreasonable in all circumstances (regardless of how stressed, angry, or frustrated an individual is) because it unreasonably compromises the health, safety and security of officers, other service users or the individual themselves. Some examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks
- harassment, intimidation, or physical violence
- rude, confronting, or threatening correspondence

- threats of harm to third parties, threats with a weapon or threats to damage property, including bomb threats

Submission 4 – Private individual

This submission raises concern that it will fundamentally alter the relationship between Council and the community by potentially restricting access and responsiveness and threatens democratic principles, accountability and lawful community participation.

The submission recommends clearer definitions, stronger procedural safeguards, and alignment with the established framework, to protect legitimate complaints and the right to political communication.

Comment:

As previously indicated, the NSW Ombudsman's definitions of *unreasonable conduct*, *unreasonable persistence*, *unreasonable demands*, *unreasonable lack of cooperation*, *unreasonable arguments* and *unreasonable behaviour* have been inserted to the draft Policy to add clarity.

With respect to procedural safeguards, the draft Policy does have a Right of Appeal provision for an internal review by a senior officer not involved in the original decision and a written advice from the General Manager on the outcome. The NSW Ombudsman also advocates there should be zero tolerance towards any harm, abuse or threats directed towards officers and these should be dealt with in accordance with the organisation's duty of care and health and safety responsibilities. With this zero-tolerance context in mind, and noting this draft Policy is seeking to address serious behavioural issues only, one internal review is considered appropriate.

Submission 5 – Byles Creek Valley Union Inc

This submission supports the position that there is no excuse for abuse or threats directed towards Council officials but also states that Council officials must be responsive, transparent, fair and honest to all who approach them for answers to matters of concern.

The submission does not support any measures to stop community groups or residents contacting council officers and councillors when specific questions have not been answered or agreed.

Comments:

To allay concerns the draft Policy will be used to stop community groups or residents contacting Council, amendments have been made to ensure the definitions are more precise and aligned to the NSW Ombudsman's latest publications and guidance notes. It is otherwise not the intention of this draft Policy to address complaints about staff responsiveness or misconduct. There are already existing avenues in place for such matters.

Submission 6 – Private individual

This submission supports Council taking appropriate steps to protect staff, councillors and members of the public from genuine harassment, intimidation and threats of violence but does express concern the draft Policy extends materially beyond the intent and balance of the Ombudsman's framework. The submission recommended more balancing language and less subjective definitions to avoid the risk of capturing ordinary civic participation and community advocacy.

The submission also recommended that a single clearly defined independent decision maker be used for interpretation of the Policy and expressed concern that there is only one internal appeal avenue and that permanent bans may be possible under this Policy despite the Ombudsman's Guidance stating that restrictions be proportionate, reviewable and time-limited.

Comments:

As previously indicated, the NSW Ombudsman's definitions of *unreasonable conduct*, *unreasonable persistence*, *unreasonable demands*, *unreasonable lack of cooperation*, *unreasonable arguments* and *unreasonable behaviour* have been inserted to the draft Policy to add clarity.

Similarly, the following wording has been added into the draft Policy to ensure accountability remains:

This Policy is not intended to limit, censor, reduce or deny any democratic rights of individuals or community groups to lobby, advocate, complain, criticise, make representations, make submissions, request explanations, or request a service of Council.

In relation to the right of appeal process some additional wording has been added to ensure peer review by the Risk & Audit Manager and/or legal panel lawyer.

Submission 7 – Protecting Your Suburban Environment Inc

This submission did not support the draft Policy as it was seeking to extend the application of the Ombudsman's Policy to all individuals in the Shire, not just to complainants.

The submission recommended the whole of the *NSW Ombudsman's 2022 model Managing Unreasonable Conduct by complainants Policy* be adopted in full for the following reasons:

- the draft Policy is not confined to substantial occurrences
- the rights of residents, including "Individual and Mutual Responsibilities" are not effectively covered in Council's draft Policy
- the draft Policy prioritises the protection of Council officials while omitting the safeguards for residents
- the Ombudsman's focus is on serious disruption, genuine risk and clear impacts on operations by complainants and not just on behaviour that is annoying or persistent
- the draft Policy creates a broad, standardised framework that is based on subjective judgements by Council staff rather than being fair, consistent and compliant.
- the definition of 'unreasonable conduct' is too broad
- the draft Policy is flawed because it uses vague subjective definitions, conflates criticism with unreasonable conduct, allows denial of services based on behaviour, interferes with democratic participation, lacks procedural safeguards and exceeds Council's legal authority
- there is no section in the draft Policy that deals with "avoiding misuse and overuse of unreasonable conduct by complainants policies"
- the draft Policy risks being used by Council officials against residents they do not agree with, not because they are wrong but because they are inconvenient.
- the draft Policy misrepresents the Ombudsman's model policy as most of the examples identified as unreasonable conduct are not in themselves unreasonable.
- the draft Policy's assessment procedures and application of penalties against residents is disproportionately onerous compared to the Code of Conduct complaint process.
- there is no one designated Council Official to whom complaints regarding alleged unreasonable conduct can be made which risks inconsistent application of the Policy.

- complaints by Council officials do not have to be made in writing which risks unsupported complaints being made.
- under the draft Policy an alleged “complaints” history of an individual would be compiled and this provides access by an unspecified number of Council officials to past conduct.
- the designated Council official that records an alleged complaint could collect private health information about an individual and this risks serious breaches of the privacy legislation.
- the phrase “correspondence will not be acted upon due to the unreasonable manner” allows Council to ignore correspondence based on the tone rather than the substance of correspondence.
- it is doubtful that Council has the legal authority to terminate contact permanently, which is inferred by the words “temporary or otherwise”
- Council does not have the legislative authority to permanently terminate contact between a resident and councillors as that could amount to an individuals right to political expression.
- as the draft Policy extends to “anywhere in the LGA”, applies to personal or private contact, captures online commentary and enables bans from premises and services that may not be directly related to the conduct, this is considered jurisdictional overreach.
- the appeal rights of residents are extraordinarily restrictive under the draft Policy
- doubt is raised as to whether the draft Policy can delegate powers to designated Council officials to enforce an apology in cases where the Council official has contributed to the unreasonable conduct.
- Another appropriate review mechanism would be the NWS Civil and Administrative Tribunal, not just the Ombudsman.
- The administrative structure for review of appeals should be similar to Code of Conduct complaints where they are handled by the Risk & Audit Manager.

Comments:

As previously outlined the Policy is not a complaint handling policy. Most of the unreasonable conduct and behaviour the draft Policy is seeking to address is not from complainants but from person/s engaging in day-to-day interactions with public officials. These behaviours tend to be very apparent and clearly inappropriate. For example (based on actual circumstances), there should be no tolerance for allowing a patron to return to an aquatic centre if they have sexually exposed themselves at the facility or a patron to return to any of our libraries if they have sexually touched an employee on repeat occasions. There should be no tolerance for patrons who wilfully destroy books (with bodily excretions) in the library nor should it be acceptable that our female staff are targeted with misogynistic abuse in written correspondence. In this latter case we believe it is appropriate to inform the author that their content is not acceptable and that the correspondence should be resubmitted in a more respectful tone.

As previously indicated the following wording has been added to ensure accountability remains:

This Policy is not intended to limit, censor, reduce or deny any democratic rights of individuals or community groups to lobby, advocate, complain, criticise, make representations, make submissions, request explanations, or request a service of Council.

In the context of the types of matters this Policy is capturing, and not being a complaints handling policy, the right of appeal process is considered fair. Council staff have already been banning patrons from facilities for many years under existing legislative frameworks, typically the *Inclosed Lands Protection Act 1901*, and no appeals have ever been made because the behaviours of the individuals have been so obviously inappropriate.

The extension of unreasonable conduct to anywhere in the LGA and to private settings simply reflects the fact that Council officials can and have been targeted in settings outside the normal Council facilities. For example, a public official should not be intimidated or abused over a council related matter while they have are having a private dinner at a local restaurant.

Submission 8 – Galston Area Resident's Association Inc

This submission strongly objected to Council's proposal on the basis it would impose unreasonable restrictions on the community's ability to properly campaign on matters important to the community and will impose unreasonable restrictions on the community to properly participate in our democracy.

The submission supported a focus on serious disruption, the posing of genuine risk and clear impacts on the operation of the organisation but considered the draft Policy considerably lowers this threshold. It considered the draft Policy is flawed because it uses vague subjective definitions, conflates criticism with unreasonable conduct, allows denial of services based on behaviour, interferes with democratic participation, lacks procedural safeguards and exceeds Council's legal authority.

The submission suggested that all unreasonable conduct complaints should be dealt with by a single senior Council officer in a similar manner to code of conduct complaints and recommended that the NSW Ombudsman's Policy be adopted in full.

Comments:

As previously indicated, the NSW Ombudsman's definitions of *unreasonable conduct*, *unreasonable persistence*, *unreasonable demands*, *unreasonable lack of cooperation*, *unreasonable arguments* and *unreasonable behaviour* have been inserted to the draft Policy to add clarity.

Similarly, the following wording has been added into the draft Policy to ensure accountability remains:

This Policy is not intended to limit, censor, reduce or deny any democratic rights of individuals or community groups to lobby, advocate, complain, criticise, make representations, make submissions, request explanations, or request a service of Council.

In relation to the right of appeal process some additional wording has been added to ensure peer review by the Risk & Audit Manager and/or legal panel lawyer.

Submission 9 – Friends of Berowra Valley Inc

This submission recommended that the NSW Ombudsman's Policy should be applied rather than the proposed Policy. It expressed concern that the definition of unreasonable behaviour was subjective and that persistence was considered 'unreasonable' when it could otherwise be necessary in dealing with Council to ensure it is held accountable.

Comments:

As previously indicated, the NSW Ombudsman's definitions of *unreasonable conduct*, *unreasonable persistence*, *unreasonable demands*, *unreasonable lack of cooperation*, *unreasonable arguments* and *unreasonable behaviour* have been inserted to the draft Policy to add clarity.

Similarly, the following wording has been added into the draft Policy to ensure accountability remains:

This Policy is not intended to limit, censor, reduce or deny any democratic rights of individuals or community groups to lobby, advocate, complain, criticise, make representations, make submissions, request explanations, or request a service of Council.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

The draft *Unreasonable Conduct Policy* complements existing Determinations, Guidelines and Procedures within Council.

CONCLUSION

The adoption of an *Unreasonable Conduct Policy* is supported to uphold Council's position on dealing with unreasonable conduct and behaviour. The Policy will have strong alignment with existing Determinations, Guidelines and Procedures within Council.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Risk and Audit Manager – Scott Allen.

NICOLA DORMAN
Acting Director Corporate Support
Corporate Support Division

GLEN MAGUS
Acting General Manager
General Manager Division

Attachments:

1.  Draft Unreasonable Conduct Policy

File Reference: F2016/00332

Document Number: D09379133

2 INVESTMENTS AND BORROWINGS FOR 2025/2026 - STATUS FOR THE PERIOD ENDING 31 MAY 2026

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 31 May 2026 as well as the extent of its borrowings at the end of the same period.
- Council invests funds that are not, for the time being, required for any other purpose. The investments must be made in accordance with relevant legislative requirements and Council's policies, and the Chief Financial Officer must report monthly to Council on the details of funds invested.
- All of Council's investments have been made in accordance with the requirements of the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.
- In respect of Council's cash and term deposit investments, the portfolio achieved an annualised return for May 2026 of 6.26% which includes a positive yield of 24.40% from TCorp Managed Funds. On a financial year to date basis the portfolio achieved an annualised return of 4.75 % which includes a positive yield of 7.50% from TCorp Managed Funds.

RECOMMENDATION

THAT the contents of Director's Report No. CS26/26 be received and noted.

PURPOSE

The purpose of this Report is to advise Council of funds invested in accordance with Section 625 of the Local Government Act; to provide details as required by Clause 212(1) of the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy; and to advise on the extent of Council's current borrowings.

BACKGROUND

Legislation requires that a report be submitted for Council's consideration each month detailing Council's investments and borrowings and highlighting the monthly and year to date performance of the investments. Initial investments and reallocation of funds are made, where appropriate, after consultation with Council's financial investment adviser and fund managers.

DISCUSSION

Council invests funds which are not, for the time being, required for any other purpose. Such investment must be in accordance with relevant legislative requirements and Council Policies, and the Chief Financial Officer must report monthly to Council on the details of the funds invested.

Council's investment performance for the month ending 31 May 2026 is detailed in the attached document. In summary, the portfolio achieved an annualised return for May 2026 of 6.26%, which includes a positive yield of 24.40% from TCorp Managed Funds. On a financial year to date basis the portfolio achieved an annualised return of 4.75% which includes a positive yield of 7.50% from TCorp Managed Funds.

The returns from TCorp Managed Funds can experience market volatility due to external economic conditions. It is noted that this product has a medium to long term investment horizon and will, therefore, reflect marked to market valuations monthly. Advice provided by Council's independent investment advisor, Prudential Investment Services is to continue to hold this investment. This is due to the anticipated net positive performance returns that will be gained over the long term.

The Borrowings Schedule as at 31 May 2026 is attached for Council's information, noting that Council became debt free on 1 July 2023 with no loans entered into since. The Borrowings Schedule also discloses future lease repayments for various items of plant and equipment.

BUDGET

Budgeted investment income for the year is \$8,702,915 with an average budgeted monthly income of \$725,243. Net investment income for the month ended 31 May 2026 was \$1,610,462 which includes an unrealised gain of \$503,676 from TCorp Managed Funds.

Budgeted investment income year to date at 31 May 2026 is \$7,977,671. Total investment income year to date at 31 May 2026 is \$13,851,966 which includes a year-to-date unrealised net gain of \$1,759,951 from TCorp Managed Funds.

Approximately 42.63% of the investment income received by Council relates to externally restricted funds (e.g., Stronger Communities Grant funding and Section 7.11 and Section 7.12 development contribution funds) and is required to be allocated to those funds. All investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.

CONCLUSION

The investment of Council funds and the extent of its borrowings as of 31 May 2026 is detailed in the documents attached to this Report. Council's consideration of the Report and its attachments ensures

that the relevant legislative requirements and Council protocols have been met in respect of those investments and borrowings.



RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Chief Financial Officer – Duncan Chell - who can be contacted on 9847 6822.

DUNCAN CHELL
Chief Financial Officer
Corporate Support Division

NICOLA DORMAN
Acting Director Corporate Support
Corporate Support Division

Attachments:

1.  HSC Investments Summary Report May 2026
2.  HSC Borrowings Summary Report May 2026

File Reference: F2004/06987-02

Document Number: D09394890

4 ACTIVE TRANSPORT STRATEGY FOR HORNSBY

ASKED BY COUNCILLOR MCINTOSH

TO THE General Manager:

In September 2021, a Notice of Motion regarding Road Cycling & Mountain Biking in Hornsby Shire (NoM 09/21 McIntosh / Browne) was endorsed by Council, which led to the adoption of the Walking & Cycling Strategy in November 2021 (IM4/20 McIntosh / Browne). As part of the motion to endorse this Strategy, and in response to the earlier Notice of Motion, the adoption included that Council *"Authorise consideration of the preparation and funding of an Active Transport Plan as part of the development of the 2022-26 Delivery Program to address the full gambit of walking and cycling activity along with the associated benefits and supporting infrastructure and promotion opportunities outlined in Deputy General Manager's Report No. IM4/20."*

Sometime has now passed since this resolution and an Active Transport Plan is now regularly mentioned by our residents as a key priority. Additionally, there are many requests to address "missing links" in our pedestrian / cycling networks and a demonstrated need for there to be synergy between our Footpath Strategy, Walking & Cycling Strategy and works that are undertaken annually in our playgrounds, parks and sports fields as part of the Annual Delivery Plan.

Councillors have been made aware that Council has recently appointed an Active Transport Officer and that Councillors will shortly be briefed on the work undertaken to date and what is proposed to address this resolution.

Questions

Could the General Manager advise:

1. What steps have been undertaken to develop an Active Transport Plan as outlined in the 2021 resolution and as discussed in subsequent Councillor workshops?
2. When will the broader community have the opportunity to participate in developing the plan?
3. How will the voices of specific groups and demographics such as cycling and mountain bike groups, seniors, families and people living with a disability have the opportunity to contribute to these plans?

Attachments:

There are no attachments for this report.

File Reference: F2014/00505-002

Document Number: D09467411

5 MAYOR'S NOTES 01 JUNE 2026 - 30 JUNE 2026

Wednesday 3rd June 2026 – The Mayor attended The Pride of Workmanship Awards Dinner, Beecroft

Thursday 4th June 2026 – The Mayor attended the Hornsby Chamber of Commerce – Coffee catch-up, West Pennant Hills

Thursday 4th June 2026 – The Mayor attended the RFS 2026 Hornsby/Ku-ring-gai District Medal Presentation Ceremony, Cowan

Wednesday 10th June 2026 – The Mayor attended the Community Safety Precinct Committee Meeting at Hornsby Police Station

Wednesday 10th June 2026 – The Mayor attended the NSROC Mayor's Lunch, Chatswood

Thursday 11th June 2026 – The Mayor attended Hello Hornsby Coffee and Chat, Pennant Hills

Thursday 11th June 2026 – The Mayor attended the GPA Monthly Meeting, Glenorie

Friday 12th June 2026 – The Mayor attended the Neighbourhood Knit-In at Hornsby Library

Sunday 14th June 2026 – The Mayor attended a rehearsal of Matilda Jnr by Boutique Musical Theatre, Normanhurst

Monday 15th June 2026 – The Mayor attended the 10th Tom Hughes Oration with the Hon Andrew Hastie MP, Sydney

Tuesday 16th June 2026 – The Mayor attended the Hornsby/Ku-ring-gai Network Refugee Week at Gordon Baptist Church, Sydney

Wednesday 17th June 2026 – The Mayor hosted three Citizenship ceremonies in the Administration Building, Hornsby

Thursday 18th June 2026 – The Mayor attended Asquith High School Dance Night, Chatswood

Friday 19th June 2026 – The Mayor attended the Studio ARTES Mid Year Show, Hornsby

Friday 19th June 2026 – The Mayor attended the Rotary Club of West Pennant Hills and Cherrybrook – Changeover Dinner, Dural

Saturday 20th June 2026 – The Mayor attended Granny Flat Foundation Charity Gala, Epping

Monday 22nd June 2026 – The Mayor attended Beecroft Rotary Changeover 2026, Cherrybrook

Tuesday 23rd June 2026 – The Mayor attended the Riverboat Postman Tour, Brooklyn

Saturday 27th June 2026 – The Mayor attended Pennant Hills High School – Winter Carnival & 60th Anniversary, Pennant Hills

Saturday 27th June 2026 – The Mayor attended Hornsby Multicultural Sangam Australia Inc – Winter Festival, Hornsby

Tuesday 30th June 2026 – The Mayor attended Sod Turning for Galston Village Public Domain Project, Galston

Note: These are the functions that the Mayor, or his representative, has attended in addition to the normal Council Meetings, Workshops, Mayoral Interviews and other Council Committee Meetings.

File Reference: F2004/07053-002

Document Number: D09467091

ITEM 5

6 IMPROVED TRANSPARENCY AND COMMUNITY UNDERSTANDING OF THE FOOTPATH FORWARD PROGRAM

COUNCILLOR SIMONS TO MOVE,

THAT Council:

Resolve to review the way the Footpath program is formulated, updated and maintained to ensure best alignment with strategic objectives, transparency and active community consultation, and requests the General Manager to:

1. Review the existing Footpath Forward Program prioritisation methodology Including:
 - a) The current assessment framework and criteria used to prioritise footpath projects;
 - b) Benchmarking other Council's on methodology used and prioritisation frameworks;
 - c) alignment with Council's place-based planning and forward schedule of community facilities uplift/renewal;
 - d) Opportunities to incorporate community input to the prioritisation process;
 - e) Processes for amending priorities.
2. Investigate opportunities to improve public access to and awareness of the Footpath Forward Program, including the feasibility of publishing mapping and prioritisation information through Council's website.
3. Conduct a Council workshop, including any resource implications associated with implementing additional improvements to the Footpath Forward Program.

Notes from Councillor

Footpaths are the vital arteries of our communities. They provide safe, separated spaces for pedestrians, encourage active and healthy lifestyles, and provide essential access to local services, schools, public transport, parks and community facilities.

The importance of a well-designed and connected footpath network extends well beyond convenience:

- **Safety and Protection:** Footpaths provide separation between pedestrians and vehicles, significantly reducing the risk of accidents.
- **Universal Accessibility:** Continuous and accessible footpaths support older residents, children and people living with disability to move independently throughout their communities.
- **Public Health and Active Transport:** High-quality footpaths encourage walking and other

forms of active transport, contributing to improved health outcomes and reduced reliance on private vehicles.

- **Social and Economic Connection:** Footpaths connect residents to shops, services, parks and public transport, helping strengthen social interaction and local economic activity.
- **Social Equity:** Many residents rely on walking and public transport as their primary means of travel and therefore depend upon safe and accessible pedestrian infrastructure.

Council has significantly increased investment in new footpaths in 2026/27 and 27/28, reflecting the importance placed on improving pedestrian connectivity and safety throughout the Shire.

Currently there are 412 kilometres of paths in the Hornsby Shire, throughout our suburbs and village centres. With 570 kilometres of sealed roads, there is potential for 1,140 kilometres of footpaths if both sides of every street were provided with footpaths. This is a large gap and there are limited resources. While most suburban streets do not need a footpath on both sides, what is needed is footpath networks that best service our communities' movement and accessibility needs, and it is essential that the projects delivered are the most valuable for our communities.

Council currently prioritises footpath projects using an assessment framework based on the adopted Walking and Cycling Strategy and NSW Government guidance. While this framework provides a foundation for evidence-based decision-making, A list is maintained in prioritised order. Yet, recent examples of rankings are difficult to understand.

For example, Richards Close Berowra was ranked as number one, yet this is a relatively short cul-de-sac with no through traffic, no bus route, and is not a through connection to local services.

In another example, Oak Street Normanhurst has been moved from FY2027/28 to FY2029/30 in the latest Delivery Program, after having been previously deferred from the FY2021/22 forward program. A bus route runs along Oak Street, which has quite an incline and an awkward corner, which heightens the need for pedestrian safety and separation from the road. In addition, recent uplift of a park and playground has increased footfall on these streets.

Another example is on Brooklyn Road, where a section of the footpath is totally inaccessible to anyone using wheels as part of mobility and persons are forced onto the narrow road for about 70 meters inside the guard rail, on a rise, on a curve. This is extremely dangerous and there is no alternative route to access the village centre. This section of Brooklyn Road has not been assessed or ranked yet.

Inevitably, there will be many other examples where it is difficult to understand relative priorities and have confidence in the current forward program.

Because of these and other anomalies, I am calling for:

1. **A critical review of the methodology for categorising footpath priorities.**

Considerations could include: are the state-based criteria suited to the requirements of our Shire? Are the various criteria appropriately weighted? Are there other approaches taken by suburban and peri-urban communities?

2. **Consideration of how community intelligence about local conditions can contribute to the assessment process.**

With hundreds of locations under consideration, how could local knowledge of critical issues

be equitably sourced and fed into assessment of priorities?

3. Consideration of how information on priorities and the forward program is made available.

Currently a range of priority projects is published in the Delivery Program as Capital funded projects Year 1, and as project names for the following three years. In addition, there is a listing within the Walking and Cycling Strategy 2021 that identifies subset of the Shire's streets into Priorities 1, 2 and 3. Thirdly, interested persons can enquire on a street-by-street basis on Council's web page.

Improved public information, including mapping and summary information on the forward program, would enable residents to better understand the status and relative priority of projects within their neighbourhoods.

In summary greater transparency regarding the existing prioritisation process, together with improved access to information on future projects, would assist the community in understanding how competing demands across the Shire are balanced and how available funding is allocated.

Improved public information, including mapping and summary information would also enable residents to better understand the status and relative priority of projects within their neighbourhoods.

Attachments:

There are no attachments for this report.

File Reference: F2014/00505-002

Document Number: D09466759