
MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 26 March 2024

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92. PRESENT

Mayor Dr P Gangemi (In the Chair)
Clr M Blue (Deputy Mayor)
Clr M Hodges MP
Clr R Boneham
Clr F De Masi
Clr J Cox
Clr J Brazier
Clr Dr B Burton
Clr Dr M Kasby
Clr A Hay OAM
Clr V Ellis

93. APOLOGIES

Clr R Tracey
Clr R Jethi

94. TIME OF COMMENCEMENT

7.05pm

95. TIME OF COMPLETION

8.37pm

96. DECLARATIONS OF INTEREST

Item 2	Mayor Dr Gangemi
Item 2	Councillor Blue
Item 3	Mayor Dr Gangemi

97. ARRIVALS AND DEPARTURES

7.40pm Mayor Dr Gangemi having declared a Pecuniary Conflict of Interest for Item 2 (family owns property in Town Centres in the Hills Shire) and Item 3 (family owns land in Box Hill) signed the Conflict-of-Interest Register, left the meeting and returned and assumed the Chair at 7.59pm for Call of the Agenda.

7.40pm Councillor Blue having declared a Pecuniary Conflict of Interest for Item 2 (owns property in Norwest Precinct) signed the Conflict-of-Interest Register and left the meeting and returned at 7.51pm for Item 3.

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98. DISSENT FROM COUNCIL'S DECISIONS

Nil.

99. ADJOURNMENT & RESUMPTION

Nil.

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The Mayor advised in accordance with the Code of Meeting Practice that this meeting is being recorded.

ITEM 1 CONFIRMATION OF MINUTES

A MOTION WAS MOVED BY COUNCILLOR BLUE AND SECONDED BY COUNCILLOR BONEHAM THAT the Minutes of the Ordinary Meeting of Council held on 12 March 2024 be confirmed.

THE MOTION WAS PUT AND CARRIED.

100. RESOLUTION

The Minutes of the Ordinary Meeting of Council held on 12 March 2024 be confirmed.

APOLOGIES AND LEAVE OF ABSENCE

A MOTION WAS MOVED BY COUNCILLOR HAY OAM AND SECONDED BY COUNCILLOR DE MASI THAT the apologies from Councillors Tracey and Jethi be accepted and leave of absence granted.

THE MOTION WAS PUT AND CARRIED.

101. RESOLUTION

The apologies from Councillors Tracey and Jethi be accepted and leave of absence granted.

MAYORAL MINUTE NO. 1/2024 – INVITATION TO NSW DEPUTY PREMIER AND MINISTER FOR EDUCATION AND EARLY CHILDHOOD, PRUE CAR MP

A MOTION WAS MOVED BY THE MAYOR AND SECONDED BY COUNCILLOR BLUE THAT

1. This Mayoral Minute be received.
2. Council write to the NSW Deputy Premier and Minister for Education and Early Childhood, Prue Car MP to take a tour of Box Hill with the Mayor Dr Peter Gangemi and General Manager Michael Edgar and to visit local schools in The Hills Shire.
3. A copy of the letter be forwarded to the Member for Hawkesbury, Robyn Preston MP.

THE MOTION WAS PUT AND CARRIED.

102. RESOLUTION

1. This Mayoral Minute be received.
2. Council write to the NSW Deputy Premier and Minister for Education and Early Childhood, Prue Car MP to take a tour of Box Hill with the Mayor Dr Peter Gangemi and General Manager Michael Edgar and to visit local schools in The Hills Shire.
3. A copy of the letter be forwarded to the Member for Hawkesbury, Robyn Preston MP.

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MAYORAL MINUTE NO. 2/2024 – VALE GARY BEAUMONT

A MOTION WAS MOVED BY THE MAYOR AND SECONDED BY COUNCILLOR HODGES THAT

1. This Mayoral Minute be received.
2. A minute's silence be observed in remembrance of Gary.

THE MOTION WAS PUT AND CARRIED.

103. RESOLUTION

1. This Mayoral Minute be received.
2. A minute's silence be observed in remembrance of Gary.

(A minute's silence was observed).

A MOTION WAS MOVED BY COUNCILLOR COX AND SECONDED BY COUNCILLOR HAY OAM THAT Council elect a Councillor to Chair the meeting as the Mayor and Deputy Mayor declared a Pecuniary Interest and left the meeting.

THE MOTION WAS PUT AND CARRIED.

104. RESOLUTION

Council elected Councillor Hodges MP to Chair the meeting.

ITEM 2 POST EXHIBITION - DRAFT PUBLIC DOMAIN STRATEGY (FP259)

7.40pm Mayor Dr Gangemi having declared a Pecuniary Conflict of Interest for Item 2 (family owns property in Town Centres in the Hills Shire) and Item 3 (family owns land in Box Hill) signed the Conflict-of-Interest Register, left the meeting and returned and assumed the Chair at 7.59pm for Call of the Agenda

7.40pm Councillor Blue having declared a Pecuniary Conflict of Interest for Item 2 (owns property in Norwest Precinct) signed the Conflict-of-Interest Register and left the meeting and returned at 7.51pm for Item 3.

A MOTION WAS MOVED BY COUNCILLOR COX AND SECONDED BY COUNCILLOR BRAZIER THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

105. RESOLUTION

The Draft Public Domain Strategy (including post exhibition amendments as set out in this report) be finalised and adopted by Council.

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3. Should negotiations to acquire the site by agreement fail, the General Manager is authorised to commence compulsory acquisition of the future Stockhorse Ave reserve under the provisions of the Land Acquisition (Just Terms Compensation) Act 1993 as outlined in this report.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

106. RESOLUTION

1. Council to receive a further report with respect to the review of Contributions Plan No. 15 – Box Hill Precinct, following the completion of IPART’s assessment of the Plan and receipt of the Minister’s Directions.
2. Council pursue Option B within Section 9 of the Report and commence negotiations to acquire the future Stockhorse Ave Reserve.
3. Should negotiations to acquire the site by agreement fail, the General Manager is authorised to commence compulsory acquisition of the future Stockhorse Ave reserve under the provisions of the Land Acquisition (Just Terms Compensation) Act 1993 as outlined in this report.

Being a planning matter, the Chair called for a division to record the votes on this matter

VOTING FOR THE MOTION

Clr M Hodges MP
Clr F De Masi
Clr V Ellis
Clr M Blue
Clr J Brazier
Clr R Boneham
Clr J Cox
Clr Dr M Kasby
Clr Dr B Burton
Clr A Hay OAM

VOTING AGAINST THE MOTION

None

MEETING ABSENT

Clr R Tracey
Clr R Jethi

ABSENT FROM THE ROOM

Mayor Dr P Gangemi

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR COX AND SECONDED BY COUNCILLOR HODGES MP THAT items 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 be moved by exception and the recommendations contained therein be adopted.

THE MOTION WAS PUT AND CARRIED.

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107. RESOLUTION

Items 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 be moved by exception and the recommendations contained therein be adopted.

ITEM 4 LTC RECOMMENDATIONS FEBRUARY 2024 - PITT TOWN ROAD, KENTHURST- PROPOSED NEW BUS STOP

108. RESOLUTION

Council approve the installation of a new bus stop outside No. 171 Pitt Town Road, Kenthurst.

ITEM 5 LTC RECOMMENDATIONS FEBRUARY 2024 - BOUNDARY ROAD, GABLES – PROPOSED PARKING RESTRICTIONS AND LINE MARKINGS

109. RESOLUTION

1. The proposed traffic facilities located on the eastern side of the centreline of Boundary Rd, Gables associated with the upgrade and reconstruction of Boundary Road between Chadwick Drive and Red Gables Road be approved in accordance with Attachment 1 to the report.
2. The proposed traffic facilities on the western side of the centreline of Boundary Road be referred to Hawkesbury City Council for approval.

ITEM 6 LTC RECOMMENDATIONS FEBRUARY 2024 - BOX ROAD, BOX HILL - PROPOSED GIVE WAY RESTRICTIONS

110. RESOLUTION

Council approve the installation of Give Way controls and associated linemarking in Box Road at the intersections of Coursebrook Street and Hadleywood Street, Box Hill, as detailed in Attachment 1 to the report.

ITEM 7 LTC RECOMMENDATIONS FEBRUARY 2024 - ANZAC DAY SERVICE 2024

111. RESOLUTION

1. The ANZAC Day Dawn Service 2024 event to be held at the Centenary of ANZAC Reserve, Wrights Road, Castle Hill on Thursday 25 April from 6.00am – 7.00am be classified as a Class 2 event in accordance with the RMS “Guide to Traffic and Transport Management for Special Events”.
2. Council note the Committee’s endorsement of the Traffic Management Plan as submitted by The Hills Shire Council’s Events Team for this event.
3. The signed Traffic Management Plan be forwarded to Transport for NSW and the Police for their concurrence to hold the events.

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ITEM 8 PROPOSED LICENCE – FILMING REQUEST PORTER SCENIC LOOKOUT RESERVE (650Z OLD NORTHERN ROAD, DURAL)

112. RESOLUTION

Council to provide authorisation to the General Manager to enter into a licence agreement with Servo Production Services 04 Pty Ltd (ABN: 67 663 800 753) as per the terms outlined within this report.

ITEM 9 BUDGET REVIEW AS AT 29 FEBRUARY 2024

113. RESOLUTION

The proposed budget variations in Attachment 1, Pages 1 to 5 and the variations detailed in page 7-16 be adopted.

ITEM 10 CONSENT TO SUBLEASE – SHOP 133 – 135 CASTLE MALL, 4-16 TERMINUS STREET, CASTLE HILL

114. RESOLUTION

Council authorises the General Manger to execute a Deed of Consent to Sublease between APL Trading Group Pty Ltd ACN 166 879 929 and Duck M Street Food Pty Ltd (ACN 674 297 637) with the Deed of Consent to Sublease to be authorised for execution under seal.

ITEM 11 PROPERTY DEALINGS RELATING TO DEVELOPMENT MATTERS

115. RESOLUTION

Council consent to the release of the easement for public access from the title of Lot 403 DP 1179898, 4 – 6 Hipwell Avenue North Kellyville and all associated documents be authorised for execution under Council seal.

ITEM 12 DELEGATION APPROVAL – ROAD CLOSURE APPLICATION – 1596 & 1598 WISEMANS FERRY ROAD, MAROOTA

116. RESOLUTION

1. Council approves that all Plans of Road Closure & Title Creation, Contracts, Deeds, Transfers, Request Documents, Transfers Granting Easement, Subdivision Certificates and Section 88B Instrument and all other required documents be authorised for execution under Seal.
2. Council authorises the General Manager to sign as landowner on any application or registration forms required for the subject land to be closed as a public road.

ITEM 13 PROPOSED COMPULSORY ACQUISITION FOR THE PURPOSE OF LOCAL ROAD WIDENING – PART LOT 1 DP 712726, 20 NELSON ROAD BOX HILL AND PART LOT 1 DP 529200 CORNER MUNGERIE ROAD AND WITHERS ROAD BEAUMONT HILLS

117. RESOLUTION

Council agrees to commence the compulsory acquisition of Part Lot 1 DP 712726, 20 Nelson Road, Box Hill and Part Lot 1 DP 529200 corner Mungerie Road and Withers Road Beaumont Hills by agreement.

ITEM 14 PROPOSED LAND ACQUISITION – LOT 1 DP 1300835 IN A PLAN OF ACQUISITION OVER LOT 29 DP 834050, PART 318 ANNANGROVE ROAD, ROUSE HILL

118. RESOLUTION

1. Council agree to purchase Lot 1 DP 1300835, from a Plan of Acquisition of Lot 29 DP 834050 (part of 318 Annangrove Road, Rouse Hill) for the agreed amount plus standard disturbance costs contained within the Report & Councillor Confidential Memo, with a Contract of Sale and any required Deeds, Plans, Instruments, Transfers and any other associated documents required be authorised for execution under Seal.
2. Upon acquisition, Council classifies Lot 1 DP 1300835, from a Plan of Acquisition of Lot 29 DP 834050 (part of 318 Annangrove Road, Rouse Hill) as “Operational” land pursuant to Section 25 of the Local Government Act 1993.
3. Upon acquisition, Lot 1 DP 1300835, from a Plan of Acquisition of Lot 29 DP 834050 (part of 318 Annangrove Road, Rouse Hill) is to be dedicated as Public Road pursuant to Section 10 of the Roads Act 1993 and the required documents be authorised for execution under Seal for lodgement at NSW Land Registry Services.

ITEM 15 PROPOSED ACQUISITION – PART LOT 5 DP 39157 BEING PART 101 OLD PITT TOWN ROAD, GABLES

119. RESOLUTION

1. Council agree to the purchase of part Lot 5 DP 39157 being part 101 Old Pitt Town Road, Gables for the agreed amount plus standard disturbance costs contained within the Confidential Councillor Memo and as outlined in this report; with the Contract of Sale and any required Deeds, plans, instruments, transfers, and any other associated documents required to be authorised for execution under Seal.
2. Council fund this acquisition from Council’s Internal Restrictions – Roads Reserves and reimburse Roads Reserves when the Revised CP15 is endorsed by IPART and adopted by Council.
3. Upon acquisition, Council classifies part Lot 5 DP 39157 being part 101 Old Pitt Town Road, Gables as “Operational” land pursuant to Section 25 of the Local Government Act 1993 to allow dedication as a public road.

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4. Upon acquisition, Lot 5 DP 39157 being part 101 Old Pitt Town Road, Gables is to be dedicated as Public Road pursuant to Section 10 of the Roads Act 1993 and the required documents to be authorised for execution under Seal for lodgement at NSW Land Registry Services.

ITEM 16 INFORMATION AND STATUS REPORTS

A MOTION WAS MOVED BY COUNCILLOR HAY OAM AND SECONDED BY COUNCILLOR BLUE THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

120. RESOLUTION

1. The status of legal matters before all Courts as shown in Attachment 1 be noted (ECM Document No. 21180922).
2. The Status of Outstanding Resolutions as shown in Attachment 2 be noted (ECM Document Nos. 17211394, 17211396 and 17211421).
3. The status of Development Applications awaiting determination as shown in Attachment 3 be noted (ECM Document No. 21180944).
4. Development Applications Involving Variations to Development Standards from 1 October 2023 to 31 December 2023 as shown in Attachment 4 be noted (ECM Document No. 21181168).

ITEM 17 NOTICE OF MOTION – SOFT PLASTICS RECYCLING

A MOTION WAS MOVED BY COUNCILLOR DR KASBY AND SECONDED BY COUNCILLOR DR BURTON THAT

Council provides a report on:

1. The amount and type of materials collected for recycling at the recent E-Waste Plus event.
2. Any options available to Council to provide residents with a more regular and convenient soft plastic recycling service and the costings to do so.

THE MOTION WAS PUT AND LOST.

Councillors DR KASBY and DR BURTON rose for a Division. The result of the Division was as follows:-

VOTING FOR THE MOTION

Clr Dr M Kasby
Clr Dr B Burton
Clr A Hay OAM

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VOTING AGAINST THE MOTION

Mayor Dr P Gangemi

Clr F De Masi

Clr V Ellis

Clr M Blue

Clr J Cox

Clr M Hodges MP

Clr R Boneham

Clr J Brazier

MEETING ABSENT

Clr R Tracey

Clr R Jethi

CLOSED COUNCIL

A MOTION WAS MOVED BY COUNCILLOR COX AND SECONDED BY COUNCILLOR HODGES THAT

1. The press and public be excluded from the proceedings of Closed Council in respect of Item 18 pursuant to the relevant Clauses of Section 10A, Clause 2 of the Local Government Act, 1993, as detailed in the following table.
2. Council withhold access to Item 18 in accordance with the following table and Section 11(2) of the Local Government Act.

ITEM NO.:	18
SUBJECT:	RISK APPETITE STATEMENT
Associated Report:	N/A
Reason for Confidentiality:	Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
Section:	10A(2)(c)
Public Interest	On balance, the public interest in preserving the confidentiality about the financial negotiations and valuation details, contained within the report outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would put the Council at a competitive disadvantage preventing it from achieving a “best value for money” outcome for the wider community

THE MOTION WAS PUT AND CARRIED

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121. RESOLUTION

1. The press and public be excluded from the proceedings of Closed Council in respect of Item 18 pursuant to the relevant Clauses of Section 10A, Clause 2 of the Local Government Act, 1993, as detailed in the following table.
2. Council withhold access to Item 18 in accordance with the following table and Section 11(2) of the Local Government Act.

8.35pm Council entered into Closed Session.

ITEM 18 RISK APPETITE STATEMENT

A MOTION WAS MOVED BY COUNCILLOR HODGES MP AND SECONDED BY COUNCILLOR HAY OAM THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

122. RESOLUTION

Council adopt the attached draft risk appetite statement to then guide the organisations implementation of Councils risk management framework

OPEN COUNCIL

A MOTION WAS MOVED BY COUNCILLOR COX AND SECONDED BY COUNCILLOR DR KASBY THAT the meeting resume in Open Council.

THE MOTION WAS PUT AND CARRIED.

123. RESOLUTION

The meeting resume in Open Council

At 8.36pm members of the gallery were invited back into the Council Chambers and the Mayor advised that during Closed Council One (1) resolution was passed. The General Manager read out the Resolution for Item 18.

The Minutes of the above Meeting were confirmed at the Meeting of the Council held on 9 April 2024.

MAYOR

GENERAL MANAGER