
MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 13 April 2021

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149 PRESENT

Mayor Dr M R Byrne (In the Chair)
Clr R Jethi
Clr Dr P J Gangemi
Clr B L Collins OAM
Clr A N Haselden
Clr J Jackson
Clr M G Thomas
Clr E M Russo
Clr F P De Masi
Clr R M Tracey

150 APOLOGIES

Clr S P Uno (Deputy Mayor)
Clr A J Hay OAM

151 TIME OF COMMENCEMENT

7.07pm

152 TIME OF COMPLETION

9.44pm

153 DECLARATIONS OF INTEREST

Nil.

154 ARRIVALS AND DEPARTURES

8.19pm Councillor Thomas left the meeting and returned at 8.21pm during Item 11.

155 DISSENT FROM COUNCIL'S DECISIONS

Nil.

156 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 COLLINS OAM AND SECONDED BY COUNCILLOR JACKSON THAT the Minutes of the Ordinary Meeting of Council held on 23 March 2021 and the Extraordinary Meeting of Council held on 1 April 2021 be confirmed.

THE MOTION WAS PUT AND CARRIED.

157 RESOLUTION

The Minutes of the Ordinary Meeting of Council held on 23 March 2021 and the Extraordinary Meeting of Council held on 1 April 2021 be confirmed.

APOLOGIES

A MOTION WAS MOVED BY COUNCILLOR TRACEY AND SECONDED BY COUNCILLOR JETHI THAT the apologies from Councillor Hay OAM and Councillor Uno be accepted and leave of absence granted.

THE MOTION WAS PUT AND CARRIED.

158 RESOLUTION

The apologies from Councillor Hay OAM and Councillor Uno be accepted and leave of absence granted.

COMMUNITY FORUM

There were no addresses to Council during Community Forum.

ITEM-2 PLANNING PROPOSAL - CUMBERLAND STATE FOREST (13/2019/PLP)

Proceedings in Brief

Joan Rowley (Objector) Vice President of West Pennant Hills Valley Progress Association addressed Council regarding this matter

A MOTION WAS MOVED BY COUNCILLOR HASELDEN AND SECONDED BY COUNCILLOR JACKSON THAT

1. The planning proposal be held in abeyance until the NSW Government concludes its consideration of the proposal to transfer the Cumberland State Forest to a reserve category under the National Parks and Wildlife Act 1974.
2. Council write to Mirvac and the Department of Planning, Industry and Environment seeking information on the timing of the intended dedication and transfer of forested areas at 55 Coonara Avenue, West Pennant Hills, to Forestry NSW via a State Voluntary Planning Agreement.

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THE MOTION WAS PUT AND CARRIED.

159 RESOLUTION

1. The planning proposal be held in abeyance until the NSW Government concludes its consideration of the proposal to transfer the Cumberland State Forest to a reserve category under the National Parks and Wildlife Act 1974.
2. Council write to Mirvac and the Department of Planning, Industry and Environment seeking information on the timing of the intended dedication and transfer of forested areas at 55 Coonara Avenue, West Pennant Hills, to Forestry NSW via a State Voluntary Planning Agreement.

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

VOTING FOR THE MOTION

Mayor Dr M R Byrne
Clr R Jethi
Clr Dr P J Gangemi
Clr B L Collins OAM
Clr A N Haselden
Clr J Jackson
Clr E M Russo
Clr F P De Masi
Clr R M Tracey

VOTING AGAINST THE MOTION

Clr M G Thomas

MEETING ABSENT

Clr A J Hay OAM
Clr S P Uno

ITEM-3 POST EXHIBITION - PROPOSED RENAMING OF NELSON ROAD, BOX HILL (FP183)

Proceedings in Brief

Vicki Giannoulis (Objector) President of Box Hill Nelson Progress Association addressed Council through the General Manager.

A MOTION WAS MOVED BY COUNCILLOR DR GANGEMI AND SECONDED BY COUNCILLOR COLLINS OAM THAT

1. Council not proceed with the exhibited proposal.
2. The existing name "Nelson Road" be retained for the full extent of the road, from Windsor Road to the end, and Council commence the process of property renumbering for the entire length of Nelson Road, to allow for addresses to be allocated to new lots fronting Nelson Road within the Box Hill Release Area.

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3. Additional signage be installed as part of future upgrades at the intersections of Nelson Road and Edwards Road and Nelson Road and Old Pitt Town Road to clearly identify the street numbers accessed from each section of Nelson Road and assist with wayfinding.

THE MOTION WAS PUT AND CARRIED.

160 RESOLUTION

1. Council not proceed with the exhibited proposal.
2. The existing name "Nelson Road" be retained for the full extent of the road, from Windsor Road to the end, and Council commence the process of property renumbering for the entire length of Nelson Road, to allow for addresses to be allocated to new lots fronting Nelson Road within the Box Hill Release Area.
3. Additional signage be installed as part of future upgrades at the intersections of Nelson Road and Edwards Road and Nelson Road and Old Pitt Town Road to clearly identify the street numbers accessed from each section of Nelson Road and assist with wayfinding.

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR DE MASI AND SECONDED BY COUNCILLOR JACKSON THAT items 6, 7, 8 and 9 be moved by exception and the recommendations contained therein be adopted.

THE MOTION WAS PUT AND CARRIED.

161 RESOLUTION

Items 6, 7, 8 and 9 be moved by exception and the recommendations contained therein be adopted.

ITEM-6

DISPENSING WITH BY-ELECTION

162 RESOLUTION

1. Council note that the Civic Office held by Councillor Robyn Preston MP is vacant.
2. Council apply to the Minister for Local Government (the Hon. Shelley Hancock MP) to make an Order under Section 294 of the *Local Government Act 1993* that this vacancy not be filled until the 4 September 2021 Elections.

ITEM-7

PECUNIARY INTEREST REPORT - MARCH 2021

163 RESOLUTION

Council note the tabling of the Returns.

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ITEM-8

**PROPOSED ROAD CLOSURE & SALE OF PART OF
PARTRIDGE AVENUE, CASTLE HILL**

164 RESOLUTION

1. Council approve the road closure and sale, subject to the conditions as detailed in this report with the Plan of Road Closure & Title Creation, Contract, Deed, Transfer, Request Documents, Transfer Granting Easement, Subdivision Certificate and Section 88B Instrument authorised for execution under seal.
2. Council authorise the General Manager to sign as landowner any application or registration forms required for the subject land to be closed as a public road.
3. Subject to the road closure proceeding, Council approve the transfer of \$1,500,000.00 excl. GST to the Road Closure Reserve in a future Budget Review.

ITEM-9 **NSW FIRE & RESCUE INSPECTION REPORT 2021 -
'ATMOSPHERE' BUILDING, 299-301 OLD NORTHERN
ROAD, CASTLE HILL**

165 RESOLUTION

The Commissioner of FRNSW be advised that Council has issued a Notice of Intention to give a Fire Safety Order Number 1 to the owners of the property with regards to the fire hydrant valves. Upon receipt of any representations, the Manager - Regulatory Services will determine if a Fire Safety Order will be issued and the Commissioner of FRNSW will be advised of the outcome.

**ITEM-4 FUNDING AGREEMENT FOR EXECUTION -
ANNANGROVE ROAD, ROUSE HILL AND TERRY ROAD
NORTH, BOX HILL**

A MOTION WAS MOVED BY COUNCILLOR DR GANGEMI AND SECONDED BY COUNCILLOR COLLINS OAM THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

166 RESOLUTION

The General Manager be authorised to sign the Funding Deed of Agreement between The Hills Shire Council and the State of NSW acting through the Department of Planning, Industry and Environment for the Planning and Design of the Annangrove Road Upgrade and the Terry Road North Upgrade.

ITEM-5

NOMINATION OF A HILLS BUSHFIRE MANAGEMENT COMMITTEE DELEGATE

A MOTION WAS MOVED BY COUNCILLOR HASELDEN AND SECONDED BY COUNCILLOR JACKSON THAT Council appoint Councillor Dr Peter Gangemi to The Hills Bushfire Management Committee for the period up until the end of this Council term.

THE MOTION WAS PUT AND CARRIED.

167 RESOLUTION

Council appoint Councillor Dr Peter Gangemi to The Hills Bushfire Management Committee for the period up until the end of this Council term.

QUESTIONS WITHOUT NOTICE

168 CORNER ANNANGROVE ROAD AND WINDSOR ROAD

Councillor Dr Gangemi asked whether Council could look into painting a right turn lane on the left lane of Annangrove Road where it meets Windsor Road. The right hand lane has a right arrow and the left lane doesn't have anything and then there is a further left lane which is turn left with care.

The General Manager advised he would take the matter on notice but commented that as it an intersection that involves an arterial road the line marking configuration at the intersection has to be approved and sanctioned by the RMS.

169 ROADS – FLOOD DAMAGE

Councillor Dr Gangemi asked for update on which roads in the Hills are still closed due to flood damage.

The General Manager advised that there is a section of River Road that is closed and two other roads that are under assessment for damage. Until Council receives the Geotechnical assessment, Council won't know what's involved.

The Group Manager - Infrastructure & Works further advised that Pages Wharf Road has collapsed into the river which will take significant reconstruction works. Council staff are in negotiation with owners to determine whether or not a temporary road can be put at a separate location to allow that road to function. There are a number of sites within the Shire where investigations are being undertaken including Chapel Hill Road and obviously River Road.

170 ROAD FUNDING

Councillor Dr Gangemi asked whether there have been further discussions since the Extraordinary Meeting on 1 April 2021 or any indication from the State Government that they will financially assist Council in rebuilding roads that require major works such as Pages Wharf Road and River Road.

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The General Manager advised that there was nothing concrete in front of us but Council has made representations to Resilience NSW for support. A meeting has been scheduled later this week to further discuss the flood response. We should be in a better position after that to be able to clarify and hopefully we are eligible for some disaster relief funding.

171 CLEAN-UP

Councillor Dr Gangemi asked if Council could have an update on how the waste clean-up is progressing in the flood hit areas and what roles are Council currently undertaking?

The Group Manager - Infrastructure & Works advised that the clean up is continuing with the effort from the contractors under the supervision of Department of Public Works Advisory. The EOC has been closed and the management of those operations have been done jointly with Council at Hawkesbury Council's facility. The initial response phase to the disaster has been officially wound back and is now in recovery phase and the clean-up will continue. Council staff are assisting with the removal of waste materials from road reserves and continue to restore Council's infrastructure such as Wisemans Ferry Park in addition to the work we are undertaking on assessment of roads and the like.

172 IMPOUNDING ACT

Councillor De Masi asked if the Mayor and General Manager could write to the Minister for Local Government regarding our submission to this amendment and find out when the outcome for this amendment will be received. Can Council forward this through Hon David Elliot MP?

The General Manager advised he would follow up the request.

173 CASTLE HILL CEMETERY

Councillor De Masi commented that he attended Castle Hill Cemetery during the Easter weekend and was more than impressed with the works that have taken place i.e. the new roadway, the pavilion for the memory garden and the entrance to the cemetery. Congratulations to all those involved.

Councillor De Masi asked whether Council could explore and incorporate a crematorium at this site as it would be a much needed service that we would have in our Shire. Councillor De Masi advised that on a visit to the Cemetery at Liverpool during the Easter break, Liverpool Council have built a crematorium there where they have the service at the Chapel and transfer the coffin to Rookwood where they conduct the cremations and return the ashes back to the cemetery.

The General Manager advised he would take the matter on notice but advised that this would be outside the current plan of management for the site. Council would have to look at the specifics of the business case as well. In the Delivery Program there is a body of work being done around cemeteries and a body of work done at the state level around cemetery space. It may well be an option that can be explored.

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CLOSED COUNCIL

A MOTION WAS MOVED BY COUNCILLOR HASELDEN AND SECONDED BY COUNCILLOR JACKSON THAT

1. The press and public be excluded from the proceedings of Closed Council in respect of Items 10, 11 and 12 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 Items 10, 11 and 12 in accordance with the following table and Section 11(2) of the Local Government Act.

ITEM NO.:	10
SUBJECT:	INTENT TO SURRENDER LEASE – 3C LEARNING PTY LTD, 8 MCCMULLEN AVENUE, CASTLE HILL
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.

ITEM NO.:	11
SUBJECT:	CROPLEY HOUSE 84 WATKINS ROAD, BAULKHAM HILLS
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.

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ITEM NO.:	12
SUBJECT:	CONFIDENTIAL PROPERTY MATTER
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

174 RESOLUTION

1. The press and public be excluded from the proceedings of Closed Council in respect of Items 10, 11 and 12 pursuant to the relevant Clauses of Section 10A, Clause 2 of the Local Government Act, 1993, as detailed in the above table.
2. Council withhold access to Items 10, 11 and 12 in accordance with the above table and Section 11(2) of the Local Government Act.

8.11pm Council entered into Closed Session.

ITEM-10 INTENT TO SURRENDER LEASE - 3C LEARNING PTY LTD, 8 MCMULLEN AVENUE, CASTLE HILL

A MOTION WAS MOVED BY COUNCILLOR TRACEY AND SECONDED BY COUNCILLOR DE MASI THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

175 RESOLUTION

1. Council approve 3C Learning's (ACN 601 702 416) request to surrender their Lease located at part Lot 1 DP 700815, 8 McMullen Avenue, Castle Hill as outlined in this report.
2. Council relinquish the tenant from rental commitments without penalty from January 2021 for the remainder of the Lease term.

8.19pm Councillor Thomas left the meeting and returned at 8.21pm during Item 11.

ITEM-11 **CROPLEY HOUSE 84 WATKINS ROAD, BAULKHAM HILLS**

A MOTION WAS MOVED BY COUNCILLOR JACKSON AND SECONDED BY COUNCILLOR DE MASI THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

176 RESOLUTION

1. Council reimburse the cost of the temporary mobile power generator.
2. Council approve further rent relief as detailed in this report.
3. Council authorise delegation to the General Manager to write of debt as outlined in this report.

ITEM-12 **CONFIDENTIAL PROPERTY MATTER**

A MOTION WAS MOVED BY COUNCILLOR DE MASI AND SECONDED BY COUNCILLOR HASELDEN THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED ON THE CASTING VOTE OF THE MAYOR.

177 RESOLUTION

Council adopt the option recommended (option 3) in the report including the associated actions.

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

VOTING FOR THE MOTION

Mayor Dr M R Byrne **(Casting)**

Clr F P De Masi

Clr A N Haselden

Clr B L Collins OAM

Clr R M Tracey

VOTING AGAINST THE MOTION

Clr R Jethi

Clr M G Thomas

Clr Dr P J Gangemi

Clr J Jackson

Clr E M Russo

MEETING ABSENT

Clr A J Hay OAM

Clr S P Uno

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OPEN COUNCIL

A MOTION WAS MOVED BY COUNCILLOR DE MASI AND SECONDED BY COUNCILLOR JACKSON THAT the meeting resume in Open Council.

THE MOTION WAS PUT AND CARRIED.

178 RESOLUTION

The meeting resume in Open Council

At 9.43pm members of the gallery were invited back into the Council Chambers and the Mayor advised that during Closed Council three (3) resolutions were passed. The General Manager read out the resolutions for Items 10, 11 and 12

The Minutes of the above Meeting were confirmed at the Meeting of the Council held on 27 April 2021.

MAYOR

GENERAL MANAGER