



Hawkesbury City Council

supplementary ordinary meeting business paper

date of meeting: 25 July 2006

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING - Supplementary

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ORDINARY MEETING - Supplementary

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ordinary

section 2

mayoral minutes

SECTION 2 - Mayoral Minutes

MM - Use of Footpaths - (79353)

REPORT:

Over the last couple of years it has become increasingly popular for local businesses to use the footpaths in front of their shop to display their goods or to provide for tables and chairs. This increased usage of footpaths has, however, also caused an increase in complaints from people using the footpaths and having their use of the footpaths blocked by these displays. I understand Council has policies regarding the use of footpath dining in Thompson Square and inside the Mall in Windsor, however, there is no policy for the use of footpaths elsewhere in the city. Other Council's appear to have policies for particular use of tables and chairs and display of goods on the footpaths and, indeed, also charge a fee for its use.

It seems, therefore, that there is an increasing demand for use of footpaths within our business centres of the city, and I would propose that a policy be prepared for the use of these spaces. I recommend, therefore, that a report be presented to Council on the use of footpaths within the city for business purposes, and consideration be given to including a fee for this usage to cover the cost in administration and management of the footpath.

RECOMMENDATION:

That a report be prepared for Council on a policy to cover the use of footpaths in front of businesses, that ensures both pedestrian safety and business activity.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

ordinary

section 4

reports
for determination

SECTION 4 - Reports for Determination

SUPPLEMENTARY REPORTS

Item: 175 GM - Redistribution Federal Electoral Boundaries - (79351)

REPORT:

On 17 November 2005 the Electoral Commissioner made a determination of State and Territory representation entitlements under section 48(1) of the 'Commonwealth Electoral Act 1918'. As a consequence of the change, Hawkesbury has been included in the Division of Greenway.

It has been the policy of Council to respond to such changes by way of submission and to that end a draft submission has been prepared for Council's consideration.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"An informed community working together through strong local and regional connections"

Funding

Not applicable.

RECOMMENDATION:

That Council:

1. Endorse the submission dated 25 July 2006 prepared by Management.
2. Authorise Management to forward the submission to the Redistribution Committee for NSW for their consideration.

ATTACHMENTS:

AT - 1 Draft submission to the Chairman, Redistribution Committee for New South Wales.

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DRAFT

THE FEDERAL REDISTRIBUTION 2006
NEW SOUTH WALES

Hawkesbury City Council

25 July, 2006

The Chairman
Redistribution Committee for New South Wales
PO Box 20014
WORLD SQUARE NSW 2002

Draft

I refer to the Report of the Redistribution Committee for New South Wales concerning the proposed Redistribution of New South Wales into 49 Electoral Divisions and advise that Hawkesbury City Council formally objects to the inclusion of Hawkesbury in the Division of Greenway on the basis that the population projections used are contrary to sections 66(3) and 66(3A) of the Electoral Act.

It is the contention of Hawkesbury City Council that

1. The cohort-component algorithm used by the Australian Bureau of Statistics and Australian Electoral Commission to develop population projections, specifically in the proposed Federal Seat of Greenway, fails to cater for super population growth initiatives that are to be realised within 3.5 years from the date of the redistribution.
2. The methodology which applies the cohort-component algorithm to project population growth based on CCD growth rates is arguably compromised in circumstances where significant housing developments are realised by a Stated Government within the three year six month time period after the expected date of the final determination of boundaries as envisaged under sections 66(3) and 66(3A).
3. In such circumstances, where reliance on the cohort-component algorithm in population projections has resulted in a situation where the statistical projections differ markedly from those that are realised at the projection time, the result of any outcome could be the subject of dispute with ramifications for all redistribution boundaries previously determined and give rise to general political uncertainty within the population.

Background

Sections 66(3) and 66(3A) of the Electoral Act prescribe that;

(3) *In making the proposed redistribution, the Redistribution Committee:*

- (a) *shall, as far as practicable, endeavour to ensure that, if the State or Territory were redistributed in accordance with the proposed redistribution, the number of electors enrolled in each electoral division in the state or territory, would not, at the projection time determined under section 63A, be less than 96.5% or more than 103.5% of the average divisional enrolment of that State or Territory at that time; and*
- (b) *subject to paragraph (a) shall give due consideration, in relation to each proposed Electoral Division to:*

- i. community of interests within the proposed Electoral Division including economic, social and regional interests;
- ii. means of communication and travel within the proposed Electoral Division;
- iv. the physical features and area of the proposed Electoral Division and
- v. the boundaries of existing Divisions in the State or Territory and subject there to the quota of electors for the State or Territory shall be the basis for the proposed redistribution, and the Redistribution Committee may adopt a margin of allowance to be used whenever necessary, but in no case shall the quota be departed from to a greater extent than one-tenth more or one-tenth less.

3(A) When applying subsection (3), the Redistribution Committee must treat the matter in subparagraph (3) (b) (v) as subordinate to the matters in subparagraphs (3) (b) (i), (ii) and (iv).

Forward enrolment projections

The dominant feature of the Federal redistribution process is the use of forward enrolment projections specified in the Commonwealth Electoral Act (CEA). Electoral boundaries are drawn on current enrolment figures which can vary $\pm 10\%$ from the state average. Additionally, the Redistribution Committee used projected data based on what the enrolment of each census collection district is likely to be in three and a half years being the midpoint of the redistribution. The Australian Bureau of Statistics use an algorithm named the cohort-component methodology as the projection mechanism.

In the 2006 proposed Redistribution of New South Wales, the Australian Bureau of Statistics supplied enrolment projections to the AEC ... "using AEC enrolment data as the base and a cohort-component method to project the enrolment of each CCD to 31 May 2010, being three years and six months after the expected date of the final determination of boundaries.

The projected total enrolment for NSW at 31 May 2010 is 4,581,939 with a projected average enrolment of the 49 divisions of 93,508. The Redistribution Committee has advised that the 3.5% tolerance above and below that average requires that divisions be constructed in the range between 90,236 and 96,780 electives.

The AEC population projections for Greenway vary approximately 7.5% due primarily to adjustments for what Council believes to be medium to long term population projections for growth on the North-West Sectors over the next 5 to 15 years and it is this point that is at issue.

In early July 2006, NSW Planning Minister Frank Sartor announced a four year infrastructure program featuring 23,000 new lots in the designated North-West Growth Centre comprising in part 8,500 lots in Riverstone West covering an area of around 10,000 hectares, the North-West growth centre will eventually include 16 precincts containing around 66,000 new homes. Mr Sartor has indicated that he anticipates the first round of lots to be on the market as early as 2007.

If this is the case then the 7% variance for Greenway may be inadequate and incorrectly reflect potential population increases.

Community Interest

Council notes that there appears to be gross inconsistency in the logic applied to the concept of Community Interest by the Redistribution Committee in its 2006 report. This inconsistency is manifest in paragraphs 51 and 55 of the report.

Summarily it is Council's view that:-

- (I) Paragraph 51 implies a belief on behalf of the Committee (in Council's view) that the Hawkesbury River and its associated bridges prevent communities from becoming homogenous communities.

Council's view is that quite the opposite occurs (i.e) the geographical constraints faced by numerous communities in the Hawkesbury (e.g.) flood risk, give rise to a peculiar autonomy, self reliance and dependence on one another that is absent from metropolitan areas. It is this heightened community

interdependence that gives rise to a community of interest far stronger than that normally experienced in the more protected urban environments.

- (II) Paragraph 55 implies a belief on behalf of the Committee (in Council's view) that development of the internet and mobile telephone coverage changes the way in which contemporary society communicates and interacts and the community of interest is diminished in the existing Federal seat of Macquarie. It is Council's contention that geographical risk for a particular population is a dominant force in unifying communities and that the development of the internet and mobile telephone coverage support the development of that particular community interest, rather than deplete it, because the technology is immediately and primarily adapted for risk prevention, be it flood or bushfire. This particularly so, in the existing Macquarie Electoral Division.

In conclusion, Council is of the view that the population projections based on the cohort-component algorithm have not catered for recently announced State Government development initiations in the North West Sector and consequently the projections may be deficient. Additionally, Council is of the view that there is a lack of understanding on the Redistribution Committees' part as to the real drivers of community interest which have in the context of the existing seat of Macquarie more to do with self reliance and community interdependence arising from sustained geographical risk associated with flooding and bushfire risk and not road or bridge infrastructure.

Accordingly, Council respectfully objects to any change of boundaries in the federal electoral district of Macquarie.

oooO END OF REPORT Oooo

Item: 176 IS - McMahon's Park - Vandal Damage - (79354)

REPORT:

The issue of vandalism is a constant source of concern and the cost to repair the damage impacts on the budget and Council's ability to provide services to the community.

An example of a recent incident of mindless destruction to community facilities occurred on 18 July 2006 at McMahon's Park, where the toilet pans in the toilets were smashed, light fittings broken and windows shattered. The pans had previously been replaced in March 2006, due to an act of vandalism at a cost of around \$1,000.

In an effort to reduce the ongoing replacement costs of pans, they will be replaced in stainless steel at a cost of \$5,900. The total cost to repair the damage, including the replacement pans, is estimated at \$7,400.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Strategic Direction: Invest in technological and engineering innovation to improve the safety, accessibility and value of public infrastructure."

Funding

Funding is available in the current Parks Maintenance budget to undertake these works.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 177 IS - Bush Fire Management Committee Representation - (81880)

REPORT:

The Bush Fire Management Committee generally assists the Bush Fire Co-ordinating Committee at a local level in planning for bush fire prevention and co-ordinated bush fire fighting and the development of bush fire risk management plans. This includes, but is not limited to, management of fire trails, hazards reduction plans and assessment of applications for funding through the Commonwealth Bush Fire Mitigation Programme.

The Committee consists of:

- (a) a person nominated by each local authority whose area comprises land in the Bush Fire Management Committee's area, being (in the case of a local authority that is a council) the Mayor or a councillor of the council;
- (b) a person nominated by each of the following organisations as being in charge of its affairs in the Bush Fire Management Committee's area:
 - (i) the Roads and Traffic Authority,
 - (ii) the Department of Land and Water Conservation,
 - (iii) the New South Wales Fire Brigades,
 - (iv) NSW Police,
 - (v) Each distribution network service provider listed in Schedule 3 to the *Electricity Supply Act 1995* having a distribution district comprising land in the Bush Fire Management Committee's area,
 - (vi) Each rural lands protection board established for any rural lands protection district comprising land in the Bush Fire Management Committee's area,
 - (vii) The State Rail Authority,
 - (viii) Rail Access Corporation,
- (c) a person or persons nominated by the National Parks and Wildlife Service as being in charge of its affairs in the Bush Fire Management Committee's area,
- (d) a person or persons nominated by the Forestry Commission of New South Wales as being in charge of its affairs in the Bush Fire Management Committee's area,
- (e) a person nominated by each local authority for the Bush Fire Management Committee's area as having responsibilities for the performance of the local authority's functions respecting the environment,
- (f) a person nominated by the Nature Conservation Council of New South Wales,
- (g) not more than 2 persons chosen by rural fire brigades operating in the area,
- (h) a rural land holder nominated by the NSW Farmers Association or if the Association does not nominate a rural land holder, by the local authority for the area,
- (i) a person nominated by each Local Aboriginal Land Council for any Local Aboriginal Land Council are comprising land located in the Bush Fire Management Committee's area,
- (j) any other person or persons approved by the Bush Fire Co-ordinating Committee.

In recent times Council has been represented by Councillor Bassett in accordance with Clause 15(a) and Chris Daley, Director Infrastructure Services, due to his functions in relation to land management on behalf of Council in accordance with Clause 15(e). It would be appropriate that nominations to the Committee be formalised.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: An informed community working together through strong local and regional connections."

Funding

No impacts on budget arising from this report.

RECOMMENDATION:

That, in accordance with the Rural Fire's Regulation 2002 Clause 15(a) and (e), Councillor Bart Bassett and Mr Chris Daley respectively be nominated as Council's representatives to the Hawkesbury Bush Fire Management Committee.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 178 **SS - 2006/2007 Management Plan - Amendment - (95496)**

Previous Item: 121, Special (26 June 2006)

REPORT:

At the meeting of Council held on 26 June 2006 consideration was given to the report regarding the adoption of the 2006/2007 Management Plan incorporating Council's Strategic Plan, Operational Plan, Budget Estimates and Revenue Pricing Policy for 2006/2007.

It will be recalled that at the time it was necessary for Council to adopt the draft Management Plan in order to comply with the requirements of the Local Government Act by 30 June 2006 and that advice as to the determination of Council's Special Rate Variation submission under Sections 508A and 548 of the *Local Government Act 1993* had not been received from the Minister for Local Government.

Accordingly, it was recommended to Council that it adopt the draft Management Plan and defer setting Ordinary Rates, pending advice of the Minister's determination.

Subsequently the Council resolved, in part, as follows:

"That:

1. *The draft Management Plan, incorporating Council's Strategic Plan, Operational Plan, Budget Estimates and Revenue Pricing Policy, for 2006/2007 be adopted subject to any subsequent adjustments required to be made as a result of the determination of Council's Special Rate Variation submission under Sections 508A and 548 of the Local Government Act 1993 by the Minister and in the event that the Minister determines Council's submission at a lower rate than that sought for 2006/2007 a further report be submitted to Council regarding adjustments required to the Plan as a result of the determination in relevant areas such as the proposed Works Program, etc"*

Subsequent advice was received from the Department of Local Government on 10 July 2006 indicating that the Minister had declined Council's application, with the Council then resolving to make and levy Ordinary Rates for 2006/2007 incorporating the previously approved "rate pegging" increase.

In preparing the draft Management Plan for 2006/2007 two scenarios were incorporated, in respect of those areas which could vary, depending upon the Minister's determination of Council's Special Rate Variation submission. Those scenarios were based upon an increase in rates in accordance with the "rate pegging" increase previously authorised by the Minister and the Council's Special Rate Variation. This included the "base" budget and "special variation" budget, as well as the "base" works program and a works program based upon Council's proposed Infrastructure Improvement Program and Special Rate Variation.

That part of Council's resolution, referred to above, was based upon the Minister's determination providing for an additional rate increase to Council up to the amount sought. However, based upon the Minister's determination as the only amendments now required to the Management Plan for 2006/2007 as adopted by Council are the elimination of those portions based upon Council's Infrastructure Improvement Program and the Special Rate Variation. In other words the Management Plan documentation will revert to the "base", framed upon the only additional rate income being available to Council being the approved "rate pegging" increase of 3.6%.

In addition, in the light of the Minister's decision it is proposed that further information concerning the effects of this on Council's current and ongoing financial position will be presented to a briefing session in the near future. It is also proposed that this presentation will incorporate avenues for addressing issues that may be raised during the presentation.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"The investigating and planning the city's future in consultation with our community and coordinating human and financial resources to achieve this future."

Funding

The Minister's determination of Council's Special Rate Variation results in Council's 2006/2007 budget being based solely upon the "rate pegging" rate increase of 3.6%.

RECOMMENDATION:

That further to Council's resolution of 26 June 2006, Council's Management Plan for 2006/2007, incorporating Council's Strategic Plan, Operational Plan, Budget Estimates and Revenue Pricing Policy be amended by the removal of those components dependent upon the Council's Special Rate Variation resulting in the documentation being based upon a rate increase in line with the "rate pegging" variation previously approved on a state wide basis by the Minister for Local Government.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo



ordinary
meeting

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