

Nathan Zamprogno MTeach BA JP
332 Saunders Rd
Oakville, 2765
New South Wales, Australia.
H: 0245 736 337
M: 0412 141 811
nathanzamprogno@gmail.com

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TO: The NSW Boundaries Commission

RE: The proposed Hawkesbury / Hills Shire amalgamation

Dear Sir,

I am a person whose family history is rooted in both the Hills Shire and the Hawkesbury. I am the direct descendent of early settlers in both districts, and I am an office holder in the largest Liberal Party branch in the Hawkesbury district.

The current proposal to amalgamate the Hawkesbury with The Hills is factually flawed, economically inconsistent, political poison, and the mechanism you have engaged in to consult with the public is in contravention with the Local Government Act.

You should have no confidence that the dubious financial or administrative benefits which the KPMG report suggests are even fractionally worth the outweighing factors, which includes a dilution of the autonomy and identity of the citizens of both municipalities. In fact, it can be demonstrated that the proposal fails *each and every one* the dozen or so criteria required for you to consider under section 263(3) of the Act.

These fatal defects make it imperative that your report to the Minister strongly recommends that this particular amalgamation *does not proceed*.

I expand on these points in my submission below:

Illegality under the Local Government Act

You are well aware that section 218(F) which is presently invoked to invite this public comment is an infrequently used portion of that statute. In such cases, a plain reading of the wording of this section is warranted. It says, in part:

(3) For the purpose of examining a joint proposal of 2 or more councils for the amalgamation of two or more areas under section 218A, the Boundaries Commission or Departmental Chief Executive, as the case requires, **must** seek the views of electors of each of those areas:

(a) by means of:

(i) advertised public meetings, **and**

(ii) invitations for public submissions, **and**

(iii) postal surveys or opinion polls, in which reply-paid questionnaires are distributed to **all electors**, or

(b) **by means of formal polls**.

It is clear that, through the use of 'must' and the conjunctions of 'and', the Local Government Act is stipulating that any Council amalgamation proposal be ratified by what is in effect a plebiscite of electors in both municipalities, by either a postal ballot or formal attendance poll. Although subsections (i) and (ii) are being satisfied by the recent process of meetings and submissions, section (iii) is mandatory and *remains unfulfilled*.

It is not open to you, as an official of Premier and Cabinet suggested to me at a public meeting, for the Government's lawyers to deem that "The Act can be interpreted in any way we want" on this point.

Nor cannot you believe that section 263(7) which removes the ability for objections to be taken to the Supreme Court, confers any protection to the Government when there is such a material breach of the Act. It would be open for the NSW Supreme Court, or a higher national court to still rule that this breach has invalidated the *process* of the Minister's determination, and it would be wise to review the history of all State legislation that similarly includes clauses that seek to make the Minister's rulings final by banning appeals to the Courts, to see what challenges have nevertheless been upheld, or even if such bans are Constitutional. It would be imprudent for your report to omit this.

When this whole process is being run under the wording of sections 218 and 263 of the Act, how can you permit such disregard for its clear requirements to go on?

The conclusions and recommendations of the Boundaries Commission will therefore be completely invalid unless, in addition to the public meetings and written submissions, a formal poll or postal ballot is held among all electors.

Failure of the proposal under each criteria laid out under section 263(3)

It is notable that, considering your report must give weight to 11 criteria relating to the merits of an amalgamation proposal, that the Hawkesbury/ Hills proposal fails on *every single one of them*. When expressed thematically, we may conclude:

Economically: This reform process is effectively blind to the need for *proper reform* in the local government sector in that it ignores the mismatch Councils have faced in the arbitrary mix of needs they must meet on the one hand: in the maintenance of crucial infrastructure such as roads, or in the level of services the community requires, and on the other hand the rate base that must fund those needs. These factors, of need and revenue, are rarely in true proportion, as we have many more kilometers of roads to maintain in the Hawkesbury. The Hawkesbury LGA spans four different river valley systems and the associated timber bridges, ferries and widespread habitation creates a burden disproportionate to our rate base. The Hills area in contrast has a rate base developed from (what many regard) as decades of inappropriate levels of development that have scoured the district of many of its heritage gems, while having comparatively less roads to upkeep. The population density of the Hills area is *19 times that of the Hawkesbury*. They couldn't be more different.

The solution is not to merge the two Councils.

The second economic argument regards the overall viability of Hawkesbury Council which was ruled 'fit' on a range of criteria including its 'scale and capacity', but was ruled overall 'unfit' because of a one-year difference in its budgetary return to surplus. These reveal some glaring inconsistencies: The first is ignoring our overall level of debt, which is commendable, and begs the question how Hawkesbury can be 'unfit' with so little debt, and why Blue Mountains is 'fit' with debts of \$53.2M and a current deficit of \$3M that is unlikely to improve? Second, in the Hawkesbury the criteria used to mark us 'unfit' represents a small fraction of one percent of its outlays, and yet we are in an environment where new

developments coming on-stream (e.g. at Redbank in North Richmond) demonstrate a growing rate base. We are healthy and getting more so.

Lastly, the individual budgetary situation of any individual council has been so captive to the process of rate-pegging for so long that the debate about this council's "extra" rate rise versus that council's as a reflection of its viability is completely specious. Each of our surrounding councils have had special variations to rates (plus, in our case, variations to the *mix* of rates within our area re suburban vs rural block), much like Federal governments need to periodically address bracket creep in income taxation levels. This process means that much needed and more far reaching reform in funding local government needs is being ignored, and your report must state this.

Hawkesbury City is well run and completely viable into the future without the need for amalgamation.

Democratically: This proposal seeks to force into union two communities with very different and ingrained cultures to development, heritage, and self-governance. Unlike other amalgamation proposals where there are demonstrable and compatible communities of interest, and a natural geographic melding, this proposal is a disaster. There are no communities of affinity between Bilpin and Baulkham Hills, just as there are few between Colo Heights and Castle Hill.

The likely outcome, which will be to make the Hawkesbury merely a ward of three Councillors within a "Greater Hills Council" will mean that our needs and views will be entirely subjugated to a gerrymandered and rapacious majority based at Norwest, whose vision for the Hawkesbury is largely incompatible with our own. At a number of public meetings, the view was clearly expressed to you that, although Hawkesbury Council has

various issues, the solution is one election away. Amalgamation would be far, far worse for those issues. We choose to have 12 Councillors and no wards. It works for us and there is no case for change.

Heritage

We cannot say that Hills Shire Council values the heritage like the Hawkesbury Council does. To illustrate, here is a perspective from our own family history.

My family engaged in a fruitless struggle to make them realise the heritage value of Glenhaven Post Office, which we owned and which was a beautiful brick and cedar-paneled building dating back to the 1880s. Hills Council forced the demolition of the building in 1974 because we had constructed a newer dwelling elsewhere on our acreage property.

Similarly, our family ran the Castle Hill Theatre for many years on the location now occupied by Castle Mall. A 1930's Art Deco masterpiece, it was bulldozed in 1968 without a second thought as to its heritage value.

If either of these buildings were standing today, they would be acclaimed as integral to the heritage of NSW.

These were not merely the short sighted omissions of public officials who were 'of their time' in their lack of appreciation for heritage – they represent an ingrained culture in Hills Shire Council that persists from that time and through to our own. This explains why the number of identified heritage-significant sites has decreased in the Hills by such an alarming figure over the last 20 years.

As a family who now calls the Hawkesbury home and has for over 40 years, we do not want to see a Hills Shire council, with such a bad track record on heritage issues, amalgamated with the Hawkesbury. It would

represent the slow ruination of the unique and desirable qualities that make the Hawkesbury so special.

The Political Angle

I cannot finish without mentioning that, as a member of the local Liberal party and as a supporter of both our State Member and of our Premier, that this proposal is astonishing in its deafness to the views of the local community.

At a succession of public meetings, your delegates have heard a near-unanimous chorus of concern from both experts and the lay public who are completely appalled at the proposal to merge these two councils.

I hasten to add that no one I've spoken to opposes the idea of amalgamations *per se*, and that they feel that the case for some consensual amalgamations in the inner west, north shore and central coast are compelling, subject to the plebiscite being held to fulfil the mandatory requirements of the Act (mentioned earlier). These people, however, feel that the Hawkesbury / Hills merger is a bad mistake.

At the local political level, I can attest to the fact that this issue has united otherwise fractious parts of the Liberal party. They are standing together on this issue where they would frequently stand apart.

This issue has the real potential to unravel the good will the Baird government deserves as prudent governors of our state, and Premier Baird should not take this opposition as a marker of his machismo in '*pushing through hard but necessary reforms*', as they say. The Premier is simply just wrong on this question of forced amalgamations, and doubly so when his minister promised that there would be no forced

amalgamations *at all*, a view repeated by a series of his current ministers when berating the then Labor government prior to 2011.

If, as some fear, your report instead defies the overwhelming evidence and testimony because it was politically pre-ordained to you as to what the report should say, and the report comes down and declares that there is 'qualified support' for the amalgamation, it will be in the teeth of this overwhelming opposition of the community and of the local Liberal party. It will mark the report as a corrupt stitch up which will have enduring political consequences for local councilors and MPs, and for the Baird government. It will represent a violation of your ethical duty and a betrayal of the trust that the Baird government otherwise deserves as a good government.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Zamprogno". The signature is fluid and cursive, with the first name "Nathan" being more prominent than the last name "Zamprogno".

Nathan Zamprogno