

Independent Pricing and Regulatory Tribunal
P.O Box K35
HAYMARKET POST SHOP, NSW, 1240

10th March 2017

Dear Sirs,

SUBMISSION AGAINST BYRON SHIRE COUNCIL RATE RISE ADDENDUM

Further to my submission dated 8th March against Byron Shire Council's proposed rate rise I have now received a reply from the Ministers Department from my complaint sent to them on the 17th of November last (over 3 months since I sent my fully documented complaint to them).

I enclose a copy of his reply and have also enclosed copies of the material I forwarded to him which proves the Council did not carry out a bona fide community consultation process.

As he has indicated that IPART is responsible for assessing Council's variation application and, following his advice, I wish IPART to investigate fully the deceptive manner of Council's community consultation and the true response from concerned ratepayers to this subterfuge.

I also enclose a copy of a recent letter to a local newspaper from a sitting Councillor (Cr. Paul Spooner) which clearly acknowledges that the Council has ignored the "overwhelming" community view. Annex 4.

Please fully examine all of the enclosed material and seek an accurate count of the community response from an independent source.

Hopefully, you may also call upon the Minister to take appropriate action over Council's deception to the ratepayers and IPART.

Sincerely



Jim Mangleson


You may publish my name and this submission

The Minister for Local Government
The Hon Paul Toole MP
P.O Box 5341
SYDNEY
2001

17th November 2016

Dear Minister,

Re. FALSE COMMUNITY SURVEY BY BYRON SHIRE COUNCIL

I am now in possession of Council's reply to my previous complaint to you dated 10th November and a reply from Sarah Lees, Director, Sector Performance and Intervention on your behalf.

I am now sending hard copies of the material contained in my original complaint which has apparently been accepted by Ms Lees as not an attempt to mislead the ratepayers as the Council has stated that their enclosed reply paid card to ratepayers "*only acts as a prompter.*"

There is no indication that this card is a prompter as Council claims in their reply to you. It states quite clearly "My preferred option is (please tick one box)" Annex 1

More disturbingly the first Option is headed **Deteriorate**
The second Option is headed **Maintain**
The third option is headed **Improve**

The paper survey also now enclosed which is also available on line only calls number 1-3 an option but the fourth dot point is not called an Option. See Item 8. Annex 2.

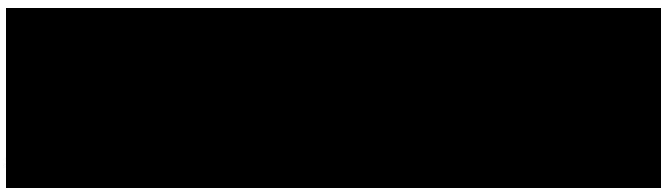
Also find enclosed hard copy of the newspaper advertisements which do not indicate that there is a fourth Option. I.e: No Rate Increase above the 2.5%. Annex 3.

Clearly no objective person would find this attempt by Byron Shire Council to deceive ratepayers as a bona fide attempt at finding community preferences.

I believe that you should be personally apprised of this deception and what I believe is the failure by Ms Lees to challenge Council's response if she has read same.

Hoping you will personally respond to this letter.

Respectfully



Jim Mangleson



FUNDING OUR FUTURE

HAVE YOUR SAY

Tell us your preferred option by 27 November 2016. You can either send us your feedback in the space below or go online and complete the Special Rate Variation Survey at:

www.byron.nsw.gov.au/funding-our-future

My preferred option is (please tick one box)

- 1. **Deteriorate** – 7.5% increase each year for four years (including 2.5% rate peg)
- 2. **Maintain** – 10% increase each year for four years (including 2.5% rate peg)
- 3. **Improve** – 12.5% increase each year for four years (including 2.5 rate peg)

Comments

Name

Address

Suburb

Postcode

Email

I would like to receive email updates on the outcomes of this consultation via Council's electronic newsletter (email). I understand that my details (such as name, address and email) will be kept private and will not be shared with third party organisations.



ANNEX 1



Funding our future

Special Rate Variation



COMMUNITY SURVEY

1. In which area do you live?

- Byron Bay / Suffolk Park
- Brunswick Heads / Ocean Shores / New Brighton / South Golden Beach
- Mullumbimby
- Bangalow
- Rural / Other

2. Overall, for the last 12 months, how satisfied are you with the performance of Council, not just on one or two issues but across all responsibility areas?

- Very satisfied
- Satisfied
- Somewhat satisfied
- Not very satisfied
- Not at all satisfied

3. How satisfied are you with the quality of infrastructure and facilities provided by Council?

- Very satisfied
- Satisfied
- Somewhat satisfied
- Not very satisfied
- Not at all satisfied

4. How important is it for Council to provide better infrastructure and facilities?

- Very important
- Important
- Somewhat important
- Not very important
- Not at all important

Byron Shire Council is seeking feedback on a proposal for a Special Rate Variation which will impact the general rate amount (ordinary land rate) on your rates notice. It will not affect other charges.

The community has consistently told Council that assets like roads, footpaths and drainage are important to them and that Council needs to improve their condition. In 2016, 80% of the community said that rural and urban roads should be a priority and more funding needed to be invested.

During the state government's *Fit for the Future* process, Council reviewed the condition of its assets. The information collected told Council that it has a significant funding gap and needed to increase its investment in the renewal of ageing infrastructure.

Without introducing an SRV, rates would merely increase by the annual rate peg amount of an estimated 2.5% per year. Under this option Council's assets would significantly decline and fail.



Special Rate Variation survey

Funding raised from a Special Rate Variation would be allocated to assets such as:

- roads, road drainage, footpaths and bridges
- urban stormwater
- rural drainage, causeways and culverts
- buildings and public amenities
- parks and open spaces

Option 1 – Deteriorate 7.5%

A Special Rate Variation of 7.5% for each year for four years, including the annual 2.5% rate peg. Over the four year period this is a cumulative increase of 33.5%. At the end of the four year period the Special Rate Variation increase would be built into the rate base and permanently retained. Residential ratepayers who are currently paying around \$1,139 per year would pay, on average, around \$95 more each year.

This option would generate an additional \$10.59million over four years.

With this extra funding, some of Council's assets would continue to deteriorate. Funding would be allocated to high risk poor condition asset renewal and maintenance. Some sealed roads in a poor condition would not be reconstructed.

5. How supportive are you of Council proceeding with option 1? (tick one)

- Very supportive
- Supportive
- Somewhat supportive
- Not very supportive
- Not at all supportive

Option 2 – Maintain 10%

A Special Rate Variation of 10% for each year for four years, including the annual 2.5% rate peg. Over the four year period this is a cumulative increase of 46.4%. At the end of the four year period the Special Rate Variation increase would be built into the rate base and permanently retained. Residential ratepayers who are paying around \$1,139 per year would pay, on average, around \$132 more each year.

This option would generate an additional \$16.28million over four years.

With this extra funding, the deterioration of assets would stop. Council would be able to fund the essential maintenance and renewal of its assets. Some sealed roads in a poor condition would not be reconstructed.

6. How supportive are you of Council proceeding with option 2? (tick one)

- Very supportive
- Supportive
- Somewhat supportive
- Not very supportive
- Not at all supportive



Option 3 – Improve 12.5%.

A Special Rate Variation of 12.5% each year for four years, including the annual 2.5% rate peg. Over the four year period this is a cumulative increase of 60.2%. At the end of the four year period the Special Rate Variation increase would be built into the rate base and permanently retained.

Residential ratepayers who are paying around \$1,139 per year would pay, on average, around \$171 more each year over this 4 year period.

This option would generate \$22.26 million over four years.

With this extra funding, the condition of assets would stabilise and roads, town centers, buildings, public toilets, footpaths, storm water drainage, parks and open spaces (including playgrounds) would gradually improve over time. Council would also be able to undertake preventative maintenance to reduce future costs to the community and address high risk assets.

7. How supportive are you of Council proceeding with option 3? (tick one)

- Very supportive
- Supportive
- Somewhat supportive
- Not very supportive
- Not at all supportive

8. Please rank the following options in order of preference (mark from 1 to 4, with 1 being your most preferred option)

- **Option 1 – 7.5%.** Council’s assets would continue to deteriorate. Funding would be allocated to high risk poor condition asset renewal and maintenance. Some sealed roads in a poor condition would not be reconstructed.
- **Option 2 – 10%.** Council would stop the deterioration of community assets. The additional funding would allow Council to accelerate the works program and do more to address high risk assets.
- **Option 3 – 12.5%.** Council would be able to fund the required asset renewal and maintenance and improve the quality of community assets. The works program would be accelerated and Council would be able to fund new essential infrastructure gaps.
- **No special rate variation.** Rates would rise only by the rate peg each year which is estimated at 2.5%. Deterioration of assets would continue to accelerate and Council would not be considered Fit for the Future.

8 b. What is your reason for choosing that option as your highest preference?

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9. Prior to completing this survey, were you aware that Council was exploring community sentiment towards a Special Rate Variation? (please circle)

Yes No



Special Rate Variation survey

10. How were you informed about the Special Rate Variation? (tick as many that apply)

- Information booklet in your rates notice
- Byron Shire Council website
- Email newsletter
- Newspaper advertisement
- Radio advertising on BayFM
- Facebook
- Community Information Stand
- Word of mouth
- Other (please specify)...

11. Which of the following age bracket applies?

- Under 18 years
- 18–34
- 35–49
- 50–64
- 65+

12. Which of the following best describes the house where you are currently living?

- I/We own/are currently buying this property
- I/We currently rent this property
- Other (please specify).....

13. Gender

- Male
- Female

14. Council is developing a community consultation register – would you be willing to register your interest with Council for future consultation activities?

- Yes
- No

14b. If yes, please complete your details. Note that while these will be supplied to Council, they will be kept entirely separate from your responses to this survey.

First name:

Surname:

Email:

Preferred telephone (mobile/landline):

Thank you for taking the time to complete this survey. Responses will be collated and reported to the Council on 15 December, 2016.