

From: John [REDACTED]

Sent: Friday, 17 February 2017 1:42 PM

To: Local Government Mailbox

Subject:
February 2017

Re: 2017-18 Special Rate Variations Muswellbrook Shire 13

Key objections are:

- MSC is so financially viable without the SRV [REDACTED]
[REDACTED]
- The community is polarised and the majority of statistically valid telephone survey (45% v 43%) OPPOSE the SRV ([REDACTED])
[REDACTED]
- The process leading to the Selection of Projects and subsequent SRV has been OPAQUE and is invalid as 'community led'.
- The Principal of the MSC "Future Fund" (whatever that is with some \$AUD 20m in [REDACTED]) should be used to fully fund validly community led Projects in lieu and preferentially to the imposition of a further SRV on the MSC ratepayers noting that MSC habitually and unjustifiably lodges SRV applications for projects through process of Extra-Ordinary MSC Meetings with less than 24 hrs public notice, [REDACTED]
[REDACTED]

Further detail supporting the above is intended to be provided in Objection to the 2017-18 Special Rate Variation by Muswellbrook Shire 13 February 2017.

I also wish to be kept apprised of the progress of the MSC SRV application.

Sincerely,

John Shewan

Ridgeland Residents Incorporated.

Objection to Muswellbrook Shire Council Special Rate Variation Application

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Concerning the unrealistic proposition of Muswellbrook as a Centre for Regional Government

- Muswellbrook Urban Area has a small population of several thousand persons.

Exhibit: ABS population statistics

- Muswellbrook Urban Area is subject to severe long term Population Growth Constraints of constrained long term land supply, inadequate public rail and inter-town public transport, excessive mine related fine particulate < PM10, < PM2.5 dusts, excessive NOx, SOx and heavy metal coal fired power station emissions, excessive rail and mine related noise.

Exhibits: MSC , NSW Health, NSW DOP, NSW PAC Reports, DRE TAS Map land use reservation of a preponderance of Coal Mining and Resource Extraction Leases

- The proposal for Muswellbrook to be granted Regional Centre status ignores the existence of competing regional populations such as Singleton (urban population 20,000) and Scone, (LGA population several thousand) with well-established and higher competing needs for location of State and Federal governance and service centres.

Exhibit: Sensis: Number and type of NSW and Federal Government Services, Agencies and Offices.

- Increasing Mining Industry Dominance of Muswellbrook LGA, shire wide economic activity, civil society and positions of governance.

Exhibit: MSC Councillor Pecuniary Interest Register, ABS labour force statistics.

- Muswellbrook is not a regional centre. Such characterisation and aspiration is delusional. Regional Centres in the Upper Hunter are Singleton (which has the most Federal and State presence, higher regional population and much more diverse economy, extensive CBD), Scone (Rural related government agencies,, extensive CBD) and Merriwa.

Exhibit: Sensis

- MSC maintains a large acreage of debt funded CBD commercial space vacant,, Muswellbrook has an existing, appropriate to population profile, regional presence as a hub of socio-economic disadvantage, casual telephone hand-set cleaners, social workers, NDIS, Police and Corrections facilities.

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Exhibit: Observably severe CBD (MSC Owned) Commercial Property Vacancy,, MSC
Community Profile

Concerning MSC Financial “Fitness for Future” Status

- MSC claims LGA ‘Fit for Future’ financial status

Exhibit: MSC Publications, Agendas and Minutes.

- Being “Fit for the Future” produces cognitive dissonance and financial concern when paired with MSC last minute proposition of immediate need for a “Special rate Variation” and “Regional Status Claim” through a massive debt funded major MSC Projects.

Exhibit: MSC Extra-Ordinary and Ordinary General Meeting Minutes & Business Cases

- MSC last minute proposition of immediate need for a “Special rate Variation” and “Regional Status Claim” through a massive debt funded major MSC Projects when paired with MSC prediction of severe writedown in the Mining Rate produces further cognitive dissonance and financial concern

Exhibit: MSC Rate Publication

- What are the objects, legal, trading, management and operational status of each fund for which MSC receives specific grants, mining VPA levies etc, eg DOP Mt Arthurs Coal Community Fund,, DRE Ridglands Coal Community Fund,, DOP Wybong Uplands Land Management Strategy (WULMS) Funds,, Federal Stepping Stones-Greater Eastern Ranges Funds,, Federal Green Army Funds,, Federal, State and Local Conservation Volunteer Funds etc. What exactly is the MSC Future Fund, ABN Number, Principal Objects, Management structure etc? Where are its publicly available accounts and asset valuation listing.

Exhibit: DOP Approval Conditions,, WULMS FOI Documents,, Mangoola CCC minutes

- What is the legal and trading status of the MSC ‘future fund’ ? [REDACTED]

[REDACTED]

[REDACTED]

Exhibit: there no public oversight of this fund or other various MSC administered funds.

- What is the impact on “Fitness for the Future” of ongoing cumulative losses and interest payments exceeding \$1m every year for 50 years with regard to just the Business Case for the loss-making 500 seat Theatre, Convention and Performance Centre,, let alone the

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leaving aside of any building and construction warranty claim for the leaking Olympic pool repair of recent years?

Exhibit: none to be found

- The loss making, high interest, MSC 500 seat Theatre, Convention and Performance Centre proposal competes with, conflicts with and crowds out the commercial Muswellbrook Workers Club \$5m Redevelopment DA proposal.

Exhibit: MSC Extra-Ordinary and Ordinary General Meeting Minutes,, MSC DA's

- What is the impact on the increasing debt servicing ratio of the MSC "Fitness for the Future" of multiple-debt loading of the principal of the 'future fund' and risk potential of negative change to future fund property holding and tenancy valuations?

Exhibit: none to be found

Concerning MSC \$46 million Approved Road infrastructure 'give-away bonanza' 2015

- MSC has engaged in an *ultra vires* attempt to unilaterally release in excess of \$46m of collateralised MSC Western Roads Strategy obligations from Rio Tinto operated Mach Energy Mt Pleasant Project

Exhibit: MSC Western Roads Strategy 1997, [REDACTED] Mine Affected Road Network Draft 2013, MCCI Minutes & media reports of Mayor commitment to reduce Mining Road consent costs to the industry, MSC Mine Affected Road Network Plan 2015 (the \$46m *ultra vires* [REDACTED]'),,, Notes of Mach Energy assurance of funding for the DOP MTP Approval Link Roads.

- The 2015 MSC \$46 million infrastructure [REDACTED] when paired with MSC last minute proposition of immediate need for a "Special rate Variation" and "Regional Status Claim" through debt funded major MSC Projects of negative net value produces further cognitive dissonance and financial concerns.

Exhibit: Ratepayer majority (statistically valid) dis-approve of the MSC SRV Application,, MSC Publication.

Objection to Muswellbrook Shire Council Special Rate Variation Application

Inadequate SRV Project Selection Process

- A selection process for the projects and SRV was not determined by MSC until December 2016.

Exhibit: MSC Extra-Ordinary and Ordinary General Meeting Agenda and Minutes

- The community did not seek nor select the three projects forming the basis of the SRV application.

Exhibit: MSC Extra-Ordinary and Ordinary General Meeting Minutes.

Inadequate SRV and SRV Project Community Consultation

- The SRV Application was exhibited over the Christmas period when numbers of interested ratepayers are absent from the LGA.

Exhibit: MSC Ordinary General Meeting, Agenda and Minutes

- The Random Telephone Survey, the only community survey component with statistical validity and relevance disclosed a majority NOT in favour of the SRV and SRV Projects.

Exhibit: MSC Ordinary General Meeting Agenda and Minutes

Concerning the SRV 500 seat Theatre, Convention and Performance Centre.

- At both Community Meetings (Denman & Muswellbrook) there were approx. 40 persons in total present and there was no mention whatsoever of SRV or the \$10m debt funded 500 seat Theatre, Convention and Performance Centre or Major Projects.

Evidence: Notes of public meetings

- Campbells Corner was purchased by MSC and its upper level developed for the Muswellbrook Conservatorium of Music as teaching and Performance Space. The re-development of Campbells Corner is purported to have cost over-runs to ratepayers of 20% (from \$3m purchase to \$9m redevelopment to \$11m total and remaining in-complete, largely untenanted and financially unviable)

Exhibit: MSC Publications, Agendas and Minutes

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- █ [REDACTED]
[REDACTED]
[REDACTED]

Exhibit: Muswellbrook Cinema, MSC Publications, Agendas and Minutes

- [REDACTED]
[REDACTED]
[REDACTED]

Exhibit: MSC Publications, Agendas and Minutes

- Who would use the 500 seat theatre? [REDACTED]
[REDACTED] Does the proposed Theatre provide Open Access for public bookings?

Exhibit: none but questions.

- The loss making, high interest, MSC 500 seat Theatre, Convention and Performance Centre proposal competes with, conflicts with and crowds out the commercial Muswellbrook Workers Club \$5m Redevelopment DA proposal.

Exhibit: MSC Extra-Ordinary and Ordinary General Meeting Minutes,, MSC DA's

- MSC SRV plan to demolish and rebuild the Hill St/Bridge St/Brook St Block will alienate 25% of the CBD to non-rate paying entities adding to the cost. MSC is crowding out the CBD.

Exhibit: MSC CBD map

- MSC owns and is directly responsible for the high number of vacant main street business and commercial premises and uninviting graffiti prone shop rears.

Exhibit: Muswellbrook CBD pictures,, Titles.

Concerning the SRV Aquatic Centre Proposal

- The Aquatic Centre proposal leaves aside any building and construction warranty claim for the leaking Olympic pool repair of recent years.

Exhibit: MSC Extra-Ordinary and Ordinary General Meeting Minutes,, MSC DA's

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- The Aquatic Centre proposal is an unnecessary luxury providing limited community benefit due to high public entry fees limiting users and commercial operators. Warranty claim for leakage repair undertaken at the recent conversion of the 55 yard pool to 50m Olympic standard with free under 18 entry would be a more communally beneficial alternative.

Exhibit: Public Opinion

- The Aquatic Centre proposal reduces the 50m Olympic Pool to 6 lanes

Exhibit: MSC Extra-Ordinary and Ordinary General Meeting Minutes

Concerning Rail Noise Attenuation Project

- Noise attenuation Project – No detail anywhere (ARTC or MSC) “ [REDACTED] says for construction of a rail noise abatement wall in cooperation with the Australia Rail Track Corporation” No EIS,, Noise contours,, etc

Exhibit: ARTC website,, Exhibit: [REDACTED] .

- Justification for Noise attenuation as printed by MSC is “soundproofing arrangements to enhance the ability to hold formal public and cultural events such as building openings and community memorial or ag raising activities without rail noise intrusion.”

Exhibit: Rail Noise attenuation does NOT attenuate 18,000 vpd road traffic noise,, 20% heavy and B-Double and stopping/starting at a number of pedestrian and road traffic signals. There is no benefit in Rail Noise Attenuation.

Concerning the Denman CBD alterations

- Denman Plan tried by MSC before, failed, had to be removed at great expense.

Exhibit: MSC Records.

- The Denman Plan is Funded with \$750,000 requisitioned from the Mangoola Coal Community Fund and does not require a SRV.

Exhibit: MSC Records, Agendas, Minutes.

Common setting aside of councillor Conflict of, Pecuniary and Non-Pecuniary, Interest

Objection to Muswellbrook Shire Council Special Rate Variation Application

- [REDACTED] 0
[REDACTED]
[REDACTED]

I object to the Muswellbrook Shire Council Special Rate Variation and Projects as do the statistically determined majority of the rate payers of Muswellbrook Shire. Given MSC projections of rapidly falling mine rate revenue, claim to financial fitness, surplus and borrowings being used to fund the unsupportable and grandiose plans and for the reasons given above the Muswellbrook Shire Council Application for a Special Rate Variation and Projects should be refused at this time.

The MSC SRV has no public support and is an unjustifiable imposition on the rate payer.

Sincerely,

John Shewan