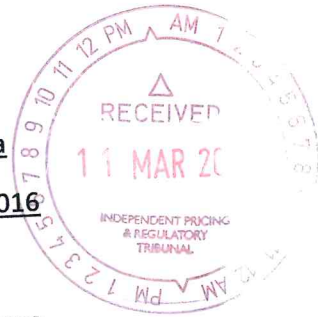


Submission to IPART in regard to Lismore City Council's request for a
Special Rate Variation to fund a Biodiversity Management Strategy 2016



I am a ratepayer and permanent resident in the Lismore Local Government Area.

I would like to make the following personal observations regarding Lismore City Council's (LCC) application to IPART seeking approval for a Special Rate Variation (SRV) to fund a Biodiversity Management Strategy (BMS) and LCC's handling of the Community consultation processes.

As I understand it, IPART requires a Council to undertake sufficient and varied Community consultation methods to determine two main points:

1. The ability of Ratepayers to afford to pay additional rate increases for an SRV.
2. A willingness to accept an SRV for a specific purpose – in this case a BMS.

In its presentation to IPART – Attachment 6 – Consultation Activity Register, LCC notes a Community Forum held on 7/3/2015 – I was unable to locate any further mention of this forum elsewhere in the submission.

I was an invited attendee of this forum as a randomly selected ratepayer representative. 40 ratepayers were finally selected who agreed to attend this forum on an earlier date, however, it was postponed to the above date due to concerns of possible imminent flooding in the Lismore area.

On 7/3/2015, for various reasons unknown, only 16 ratepayers attended the forum.

At no time did any representative of Lismore Council suggest that the 16 attendees failed to attain a quorum, or that the ratepayers in attendance were not a sufficient cross-section of ratepayer representation. On the contrary, I here paraphrase the Mayor, Jenny Dowell, who, in opening the forum, said:

"While the small attendance was disappointing", on looking around at the attending ratepayers, she "was satisfied that it was a good representation of the ratepayer base" and that "she was confident the forum would present a true indication of ratepayer sentiment towards both the SRV and BMS".

We were told that the forum was being recorded, so these statements should be able to be verified.

Consequently, the forum proceeded. The morning progressed with council representatives and paid contractors giving presentations "for" the SRV and BMS. No one was invited to speak on the "against" side, other than some "negative" questions from the attending ratepayers - these questions were lightly dismissed, or given glib replies. Despite the forum presentations representing an indoctrination session for the council's view, rather than a balanced, unbiased forum, a final vote was taken by 15 ratepayers, one attendee having left beforehand in protest against the biased nature of the forum agenda.

The "against" vote was carried by 9 ratepayers and only 6 "for" the SRV and BMS.

The forum was concluded with no further comments regarding the forum's viability as an indicator of ratepayer's sentiments against the proposed SRV.

I was also present as an observing visitor at an ordinary council meeting on 24/3/2015. Council staff presented their findings on the community consultations and indicated their proposed recommendations to Councillors, to be voted on at a future council meeting (14/4/2015).

Essentially, council staff made the following remarks:

1. "The Community Forum was too small a sample for accurate ratepayer sentiment" and consequently they dismissed the "against" majority forum vote as not relevant.
2. Around 1500 private submissions were received by council on the SRV/BMS (there is some confusion on total number as Council supplied figures give one version as 1497, yet another totalled 1670). The submissions were divided into two categories, with the following break-up:

SRV: Inconclusive: 2%; Object: 59%; Support: 39%.

BMS: Inconclusive: 27%; Object: 29%; Support: 44%

This would seem to indicate that, while supporting the general concept of a BMS in principle, a significant majority did not support a BMS being funded by an SRV.

It is also possible that a large proportion of the petitions accepted by council as submissions may have been for the BMS but signed by non-ratepayers – this requires further investigation. Also 62 were "multiple" submissions, 12 were anonymous and 18 were accepted late.

It should be noted that funding for a BMS was previously a Federal Government initiative which was withdrawn following a change in Federal Government.

Council's staff gave the opinion that "there was no confidence in the private submissions" consequently, this very large representation by ratepayers was dismissed out of hand.

3. Hunter Research Foundation (HRF) was engaged to do a telephone survey of approximately 200 Lismore ratepayers. Apparently, this "survey" found a slight majority "for" the affordability for the SRV and a desire to fund a BMS. According to council staff "this was the only reliable source of ratepayer sentiment" and, as a consequence, was the only community consultation used to indicate that there was positive response in the Lismore rate paying community for an SRV to support a BMS.

The rejection of the negative ratepayer sentiments of the Community Forum and the huge number of private submissions that were negative to the SRV is hardly indicative of an unbiased process.

These are my personal recollections of the council meeting, however, these staff appraisals of the consultation outcomes and subsequent recommendations should be able to be verified by council minutes, or recordings that may have been made of the meeting.

At the Community Forum, a representative of HRF opened her presentation by stating:

"We have been engaged by LCC to do a telephone survey and report regarding ratepayer sentiment for an SRV to support a BMS – we are very experienced in assisting Councils in getting these passed by IPART and I am confident that the outcome of the survey will support this."

I have again paraphrased from memory, but the essence can be confirmed from recordings of the forum.

HRF was engaged by LCC to perform a survey "designed" to provide a positive outcome and received payment for the survey and report. This can hardly be considered impartial and unbiased.

According to HRF the "ratepayers" selected for the phone survey were chosen randomly from the telephone "white pages". At the Community Forum, I asked: "How were the persons who answered the phone and participated in the survey vetted to confirm that they were in fact a Lismore ratepayer if they were only selected from a telephone book listing?" The reply was vaguely: "Because we asked them if they were".

Hardly a professional method of ensuring that you were actually talking to a genuine Lismore ratepayer who would be affected by the SRV proposal.

I understand that the different categories of ratepayers also had their responses "weighted", I cannot comprehend why one ratepayer category should carry any more, or less "weight" than another.

My recollection of the presentation to Council by the HRF representative was that the findings from the telephone survey were presented in a segmented way – supporting individual aspects of the survey responses that supported an SRV. I do not recollect any time where definitive "for" and "against" figures were presented for the SRV proposal, but rather in an ad-hoc manner within defined categories.

The report prepared by HRF also stated:

"90% had heard of BMS." "Majority indicated they did not know much about it."

"About 1/3 were at least somewhat aware."

Hardly strong indicators that LCC's community information processes for the BMS were effective.

Some of the questions asked in the telephone survey were very vague and seem to be of no relevance to the SRV/BMS issue, but would probably elicit a Yes response, such as:

"Do you support.... Developing walking tracks in bushland?"

"Do you support.... Improved management of roadside weeds in the LCC area?"

Again paraphrased, but may be verified in IPART submission, Attachment 8 – HRF Survey Report.

In Attachment 7 – Submissions Summary, Council only tables a series of individual questions and concerns extracted from various private submissions and Council's response, or possible future response, to address individual concerns. I am unable to find anywhere in Attachment 7 where Council gives figures "for" and "against" - refer above 59% against SRV. I am convinced that this was done to deliberately obscure the fact that the majority of private submissions may prove to be both against the SRV and a BMS funded by an SRV.

Review of the private submissions was done by Council staff and I am astounded that staff found a large number of submissions that were "inconclusive" (BMS 27%; SRV 2%). I cannot conceive that anyone concerned enough about an issue (either "for" or "against") would go to the trouble of presenting a submission to Council that did not make their opinions perfectly clear. This requires further investigation.

I believe an impartial, external review of the private submissions would reveal a much larger percentage of ratepayers against the SRV and a BMS funded by an SRV.

Also, I am not aware of any instance where Council informed ratepayers that at least 20% of the SRV would be absorbed in new infrastructure and staff, rather than positive BMS outcomes – refer LCC's BMS budget.

I cannot comprehend that Council would reject the majority of around 1500 (possibly 1670) private submissions, unless it did not agree with its desired outcomes.

I can accept that Council might reject the outcomes of the Community Forum because of it being a too small a sample. However, I cannot accept the forum was deemed adequate on the day and not again postponed and run with a larger number at a later date. The only conclusion I can draw is that the forum was deemed representative and of sufficient numbers until the result again did not agree with the desired outcomes.

Furthermore, in my dealings with Council during this consultation process, I have experienced several instances where Council has obscured the fact that this SRV is not the only rate rise that ratepayers will be required to pay in the next and subsequent rating years. They have deliberately misrepresented the BMS-SRV as being in isolation, as being a small and insignificant rise that will only minimally impact ratepayers' ability to pay. The SRV is one small increase in a raft of significant rate increases that Lismore Council wishes to impose this coming ratings year and beyond.

I believe that the issues that I have raised here highlight a number of inadequacies in Lismore Council's ability to conduct an unbiased and transparent community consultation and give a true indication of the community's lack of support for IPART to approve this SRV.

This is probably only a small sample of concerns with the community consultation and Council's interpretation that the rate paying community can afford the SRV and approves of it to fund the BMS.

For the above cited reasons I do not believe that LCC has adequately, or faithfully, represented the ability of its ratepayers to afford to pay additional rate increases for an SRV, or that the ratepayers have a willingness to accept an SRV for a specific purpose – in this case a BMS.

I believe that IPART should reject this submission for an SRV until concerns about the community consultation process and outcomes has been fully and impartially investigated.

In the interest of full and ethical disclosure:

I am formerly a Secretary of the Lismore Ratepayers Association.

I attended the Community Forum and voted in the negative for both the SRV and BMS.

I made a private submission to council declaring, among other concerns, that I could not afford an SRV and did not support the BMS.

Thank you for the opportunity to present a submission on this matter.

I am happy to be contacted to discuss any related matters arising from this submission, if required.

Yours Sincerely,

[Redacted Signature]

Kenneth George Buckie

[Redacted Address Line 1]

[Redacted Address Line 2]

[Redacted Address Line 3]

[Redacted Address Line 4]

8/3/2016