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8/09/2004

Mr Gerard Martin MP
Bathurst
140 William St

Dear Sir

In regard to Bathurst City Council's Sewer Access Charge to non-residential customers.

Bathurst Regional Council has written to us in our ongoing discussion on the matter.

To A Baird they have said. Ref TD:AL:26.00010/004 "Council has chosen to follow State Government Guidelines and must therefore follow the guidelines to avoid further implications (eg seeking grant funding)"

To R Carter they have said. Ref RR:AL:26.00010/016 & 025 " The guidelines as distributed by the State Government are guidelines only. Council is permitted to decide on a system for sewerage charges."

Surely it is not right that Council varies their argument to suit each situation while the glaring anomaly remains that they have introduced a so called "User Pays" sewer charge, the dollar value of which for us is based primarily on the availability of water for fire fighting purposes.

This contradicts the Guidelines which state that the Sewer Charge reflect the "load on the sewer system" and the "demand on the water supply", in other words the governments advise that there be, "Where a large connection is required for fire fighting purposes a reasonable approach would be to apply a charge based on the connection size required for water supply and to allow nil or a moderate increase over this charge for provision of the fire fighting capacity"

As we have received conflicting advise, could you please clarify the matter as to what is the correct approach by Council and the Governments position on the matter.

Yours faithfully

Alan Baird
210 Gormans Hill Rd Bathurst 2795



Ray Carter .
3 Toronto St Bathurst 2795



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20 September 2004

Mr Ray Carter
Director
Carter Bros Engineering Pty Ltd
3 Toronto Street
KELSO NSW 2795

Dear Mr Carter

Implementation of Best Practice Sewer Charges

I refer to your letter received by Council on 24 August 2004. In reply to your queries I supply the following information.

1. The purpose of a Hydraulic Engineer investigating a property is to establish if a smaller size meter and/or a rationalization of meters is appropriate for the property. The hydraulic engineer is the independent expert in determining the criteria for this.
2. It is not illegal to use fire hose reels for purposes other than fire fighting. For this reason Council ensures that all fire hose reels are supplied from a metered water supply. All fire hose reels should be inspected annually (as with all fire extinguishers) to check that they are suitably maintained. Council cannot legally stop the practise of using fire hose reels for purposes other than fire fighting.
3. The access charge system has no impact on trade waste practices. That is, Trade Waste Agreements are still entered into, maintained, and breaches of Trade Waste Agreements are followed up for appropriate action.
4. A summary of the process for the introduction sewer charges was supplied to you in Council's letter dated 5 August, 2004. Copies of specific minutes of meetings can be supplied if required. The summary provided to you would also be supplied to the State Government
5. The nineteen responses provided valuable feedback to Council. It enabled Council to address the major concerns raised and assess the general view of ratepayers to this change. These responses came about after letters were sent to properties where Council had estimated they would be adversely affected by the changes – a rate increase in excess of \$100.

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Carter Bros Engineering Pty Ltd
20 September 2004


Since the issue of the letters and the annual rate levy, a total of 31 responses/requests have been received regarding the introduction of best-practice sewer charges. In summary most have requested that their meters be investigated to see if they can be reduced in size and to have their sewerage discharge factors investigated.

6. Council will reconsider the implementation of nominal sizing of water meters if it is given enough supporting evidence to establish that there is a more equitable manner of applying charges. At the present time the common belief is still that fire hose reels are used for purposes other than fire fighting and impact on the sewer system.

As previously advised Council has adopted various options to assist in the implementation of Best Practice Sewer Pricing. These options were outlined in Council's letter to you dated 5 August 2004. Should you wish to avail yourself of any of these options please specify the particular properties that you own that you wish to have reviewed.

Yours faithfully

Kath Knowles
ADMINISTRATOR



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26.00010/064

**BATHURST
REGIONAL COUNCIL**



Civic Centre
Cnr Russell & William Sts
Private Mail Bag 17
Bathurst NSW 2795

Telephone 02 6333 6111
Facsimile 02 6331 7211
council@bathurst.nsw.gov.au
www.bathurst.nsw.gov.au

22 September 2004

Mr Gerard Martin MP
Member for Bathurst
PO Box 712
BATHURST NSW 2795

Dear Gerard

I refer to your letter of 13 September 2004, in which you raise matters relating to Mr Ray Carter and Mr Alan Baird's enquiry to your office.

In respect to the statement made to Mr Carter, Mr Carter was advised that the State Government Circular contained Guidelines only and it was Council who decided on the type of user pays system that Council introduced. Council took into account the advice of the State Government Guidelines and made the determination that access charges would be based on water meter size. Mr Carter has received three letters to-date advising him of the procedure and methods used in calculating his user pays sewer charges. Mr Carter has also been advised that Council has appointed a hydraulic engineer to investigate the meter size of each of his properties that he has raised as a concern to him and Council will make a determination based on pressure results as to the correct size for water meters on his properties. He has also been advised that in the event of downsizing of the water meter being permitted then the appropriate charges will be made for his property from the time of his enquiries.

In respect to Mr Baird, Council advised Mr Baird of the procedure for implementation of the State Government Guidelines and he too has available Council's commitment to investigate the sizing of his water meter should he so wish.

Council will, upon receipt of all information from the people who have requested it, as a matter of course, review the methods of charging to ensure all ratepayers are treated fairly and equitably.

Yours faithfully

Kath Knowles
ADMINISTRATOR

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Carters

Carter Bros Engineering Pty Ltd

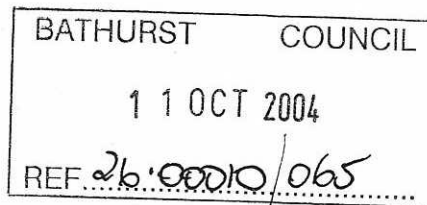
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ACN 002 244 411
3 Toronto St
Bathurst NSW 2795
Phone 02 6331 6811
Facsimile 02 6332 3185
Email cartbros@ix.net.au

6/09/04

Ms Kath Knowles
Administrator

Cc The General Manager
Mr David Sherley

Bathurst Regional Council



Dear Ms Knowles and Mr Sherley

In regard to proposed Access Charges. BRC Ref.TD:AL:26.00010/052 and Councils reply dated 20 September 2004.

Thank you for you reply. I address each of the points raised by number in your letter, copy attached.

1)

I understand that, in using the physical size of water meters instead of the nominal size of water meters (as Council has been advised by the State Government) that you have offered to downsize water meters in cases where the meter may be above the size actually required for fire fighting services.

Why do you wish to do this when?

a) There is no need to waste ratepayer money on this exercise whilst you say that in 6. "Council will reconsider the implementation of nominal sizing....".

b) With nominal sizing this work is superfluous. The "nominal water meter size" is based on actual demand on the water supply as advised by the State Government, "taking no account of the water needed for fire fighting purposes" or indeed any safety factor we for instance have, in some circumstances, built into our water supplies for that purpose and also for the purpose of future building expansion requiring additional hose reels.

c) We have plans to extent the buildings on several of our properties, which

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AGM ✓

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will entail the use of larger water meters than may be required presently for fire fighting purposes. What you propose has no purpose in our circumstance other than to create unnecessary work and expense for Council and for us at a latter date.

2)

I understand and concur with what you say here **except** for your last statement " Council cannot legally stop the practice of using hose reels for purposes other than fire fighting". The fact is that Council does have the power to legally stop the use of water from any hose reel or for that matter, from any source, from entering the sewer system. You disallow this here but convolutedly acknowledge in 3. that you have such authority.

You also undermine your own statement here in 2. by saying in 6. "at the present time the common belief is still that fire hose reel are used for purposes other than fire fighting and impact on the sewer system." If in fact the use of fire hose reels is indeed having an "impact on the sewer system" then why indeed are you not doing something about that as you state in 3. "breaches of Trade Waste Agreements are followed up for appropriate action"?

I have no doubt that Council has the power to follow up on breaches of Trade Waste Agreements or indeed breaches involving the illegal dumping of waste water into the sewer system, which you say in 6. has an "impact on the sewer system".

I venture also to say that the case is most likely that the "impact on the sewer system" is so minimal that Council has never in recent times seen fit to attempt a follow up on this matter or notified the EPA who also have an interest in such matters. Could you please enlighten me on this?

3)

Here you say that, "the access charge system has no impact on trade waste practices". I do not believe this is the case at all, because you are in fact attempting to charge twice for the volume of waste put into the sewer system under a volumetric Trade Waste Agreement. Do you not acknowledge this?

4)

I have your letter of August 5. As you have offered, I would like a copy of the specific meetings held in regard to this matter and upon sending could you please verify the accuracy and completeness of the same.

Could you also please send a copy of the City Treasurer Reports to Council dated 28 August 2003 and 25 February 2004 and any other material that may help me to come to a complete understanding of this matter.

One of the documents forming part of the process you mention is the Management

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Plan, on display from 14 May 2004. Please note that in this displayed document you did not mention that it is the "water meter connection size" that you refer to and so the connection was not drawn to the way in which you have implemented the calculation of the Sewer Charge. It is no wonder that those ratepayers affected did not recognise the fact that you intended to actually use the water meter connection size in conjunction with a Sewer Charge, if indeed any affected ratepayer was alerted that within this large and complex document was the finely printed final draft of the Sewer Charge calculation.

5)

The letters that you sent out on 3 & 8 June 2004 alerted myself and others to the way in which you were intending to calculate the Sewer Charge not the fact that the Management Plan was on display.

Your letters in fact were fait accompli letters and were sent out prior even to the closing of submissions to the Management Plan. Why did you in fact do this on the 3 and 8 June which was eight and three days prior to the closing of submissions to Council on the Management Plan? At the very least this was an unusual and confusing manner of conducting business and has confirmed that Council had settled the matter of calculating the Sewer Access Charge before even the closing date for submissions.

Is it your intent to allow the people who did not respond to the Sewer Access Charge in the Management Plan, to labour under the assumption that submissions closed in regard to this matter on 11 June 2004 and that the Management Plan is in fact fait accompli?

Do all of the people who you deemed affected by the Sewer Charge and consequently wrote to, know that you have accepted that as per 6., "Council will reconsider the implementation of the nominal sizing of water meters...." or is it your intention to continue to deal with this matter on an individual case basis, which obviously minimises the weight of action against Council's use of the water meter size in determining the Sewer Access Charge?

6)

I regard to your statement that "At the present time the common belief is still that fire hose reels are used for purposes other than fire fighting and impact on the sewer system" you serve one purpose only and that is the belief (presumably Councils) that you have no control over what enters the sewer system, which I believe you surely do. The disconcerting thing is that this is the only argument that I have heard from Council as to the reasoning behind utilising the water meter size

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in the calculation of the Sewer Access Charge. Do you still hold to your argument in you letter of 5 Aug 2005 that the use of hose reels is "because of the high water pressure" contained within them.

You say here also that, "Council will reconsider the implementation of nominal sizing of water meters if it is given enough supporting evidence that there is a more equitable manner of applying charges"

In saying this you admit that your present method of calculating the Sewer Access Charge is less that equitable. The overwhelming supportive evidence and common-sense is clear in that, *a charge for Sewer Use bears no relationship to the water meter size on a property*. All of this is contained clearly in the expertly written ***Best Practise Management of Water Supply and Sewerage Guidelines*** where it states that the Sewer Access charge should reflect the demand on the water service and the load on the sewer system.

I request therefore that, seeing that Council acknowledges that it has only been able to devise a less than equitable manner of calculating this charge, that it seek the advise of the State Government which does have considerable expertise in these matters.

No doubt the State Government would like to see the equitable implementation of User Pays, Best Practise and fair Sewer Charges implemented in all Councils in NSW.

Yours sincerely



Ray Carter
Director

Mobile Phone 0407 258882

Fax 6332 3185

Cc Mr Gerard Martin cc The NSW State Government Ministers Mr F Sartor Minister for Energy and Utilities and Mr Kelly Minister for Local Government.

PS. In regard to your last paragraph, please refer to my letter of 16 July 2004 and the attached three pages of outlining the situation in regard to each of our effected properties. You acknowledged this request in your letter dater 5 August 2004 on page three but I still await contact from your Engineering Staff.

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Director
Carter Bros Engineering Pty Ltd
3 Toronto Street
KELSO NSW 2795

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ADMINISTRATOR



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