

BATHURST REGIONAL COUNCIL

Carter Bros. pty ltd

ABN 66 107 189 408

6 MAR 2007

REF 26.00010-03/006

3 Toronto St
Bathurst NSW 2795
Phone 02 6331 6811
Facsimile 02 6332 2576
Email ray@carterbros.com

FACSIMILE TRANSMISSION

Attention:	David Sherley	From:	Ray Carter
Company:	Bathurst Regional Council	Date:	29/03/2007
Fax No:	1	Pages:	1
Subject:	Water meter downsizing		

Dear David

BRC has undertaken work to downsize meters on eight of our properties where the water meter size exceeded the capacity needed to service the fire hose reels.

Your ref DS:DS 26.00010-02/071

As per Councils commitment to myself and as reiterated to myself by the State Govt. in discussions in regard to the Sewer Access Charge, reimbursement of excess Sewer Access Charges on our Rates, backdated to the implementation of the Sewer Access Charge , has not as yet been attended to by Council, Could you please, at your earliest convenience, see that this is attended to and remittance made to us.

regards

Ray Carter
M 0407258882

DCSF - R
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BATHURST
REGIONAL COUNCIL



26.00010-03/007

Civic Centre Telephone 02 6333 6111
Cnr Russell & William Sts Facsimile 02 6331 7211
Private Mail Bag 17 council@bathurst.nsw.gov.au
Bathurst NSW 2795 www.bathurst.nsw.gov.au

10 April 2007

Carter Bros.
Mr Ray Carter
3 Toronto St
BATHURST NSW 2795

Dear Mr Carter

Council acknowledges receipt of your letter dated 30 March 2007.

Council wishes to advise that the meter downsizes requested on the 16th August 2006 occurred in November with your accounts being adjusted from the start of the 2007 financial year. A letter dated the 24th November with the relevant adjustments was then sent.

As stated in Council's letter of Implementation dated 5th November 2004

Section h) carry out a review of Sewerage Discharge Factors. This review will be carried out on request by Council's Engineering Department provided that sufficient information is given to warrant that review. In the first year of best-practice sewer pricing any adjustment will be effective from 1 July 2004. Reviews requested in following years that result in an adjustment from the date of the initial request.

As this request was not received until 16th August 2006, 2 years after the implementation of Best Practice Sewer Charges it has been backdated to the 1st July 2006.

If you require further information, please contact Council's Rates Department on 6333 6132.

Yours faithfully

R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

Reference: LH:LH - 26.00010-03/006
Enquiries: Miss Lesley Haley (02) 6333 6237

BATHURST REGION... FULL OF LIFE

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Service Charge Adjustments 2004/2005 and 2005/2006

15 Adrienne Street

Assessment - 5631.93000.4

2004/2005 Charged	334 1x 40mm water availability		-\$ 1,000.00
	640 1 x 40mm sewer availability	95%	-\$ 1,167.55
Downsize	333 1 x 32mm water availability		\$ 640.00
	632 1 x 32mm sewer availability	50%	\$ 393.50
		Adjustment	<u>-\$ 1,134.05</u>
2005/2006 Charged	334 1 x 40mm water availability		-\$ 1,000.00
	640 1 x 40mm sewer availability	95%	-\$ 1,167.55
Downsize	333 1 x 32mm water availability		\$ 640.00
	632 1 x 32mm sewer availability	50%	\$ 393.50
		Adjustment	<u>-\$ 1,134.05</u>

2 Littlebourne St

Assessment - 2662.45000.2

2004/2005 Charged	334 1x 40mm water availability		-\$ 1,000.00
	640 1 x 40mm sewer availability	95%	-\$ 1,167.55
Downsize	332 1 x 25mm water availability		\$ 390.00
	625 1 x 25mm sewer availability	75%	\$ 360.00
		Adjustment	<u>-\$ 1,417.55</u>
2005/2006 Charged	334 1 x 40mm water availability		-\$ 1,000.00
	640 1 x 40mm sewer availability	95%	-\$ 1,167.55
Downsize	332 1 x 25mm water availability		\$ 390.00
	625 1 x 25mm sewer availability	75%	\$ 360.00
		Adjustment	<u>-\$ 1,417.55</u>

6 Littlebourne St

Assessment - 2662.40000.3

2004/2005 Charged	335 1x 50mm water availability		-\$ 1,563.00
	650 1 x 50mm sewer availability	95%	-\$ 1,824.00
Downsize	334 1 x 40mm water availability		\$ 1,000.00
	640 1 x 40mm sewer availability	75%	\$ 921.75
		Adjustment	<u>-\$ 1,465.25</u>
2005/2006 Charged	335 1x 50mm water availability		-\$ 1,563.00
	650 1 x 50mm sewer availability	95%	-\$ 1,824.00
Downsize	334 1 x 40mm water availability		\$ 1,000.00
	640 1 x 40mm sewer availability	75%	\$ 921.75
		Adjustment	<u>-\$ 1,465.25</u>

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**Service Charge Adjustments 2004/2005 and 2005/2006
Assessment - 5631.94210.8**

9 Adrienne Street

2004/2005 Charged	335 1 x 50mm water availability		-\$ 1,563.00
	650 1 x 50mm sewer availability	95%	-\$ 1,824.00
Downsize	333 1 x 32mm water availability		\$ 640.00
	632 1 x 32mm sewer availability	50%	\$ 393.50
		Adjustment	<u><u>-\$ 2,353.50</u></u>
2005/2006 Charged	335 1 x 50mm water availability		-\$ 1,563.00
	650 1 x 50mm sewer availability	95%	-\$ 1,824.00
Downsize	333 1 x 32mm water availability		\$ 640.00
	632 1 x 32mm sewer availability	50%	\$ 393.50
		Adjustment	<u><u>-\$ 2,353.50</u></u>

11 Adrienne Street

Assessment - 5631.94020.1

2004/2005 Charged	334 1 x 40mm water availability		-\$ 1,000.00
	640 1 x 40mm sewer availability	95%	-\$ 1,167.55
Downsize	333 1 x 32mm water availability		\$ 640.00
	632 1 x 32mm sewer availability	75%	\$ 590.25
		Adjustment	<u><u>-\$ 937.30</u></u>
2005/2006 Charged	334 1 x 40mm water availability		-\$ 1,000.00
	640 1 x 40mm sewer availability	95%	-\$ 1,167.55
Downsize	333 1 x 32mm water availability		\$ 640.00
	632 1 x 32mm sewer availability	75%	\$ 590.25
		Adjustment	<u><u>-\$ 937.30</u></u>

13 Adrienne Street

Assessment - 5631.94010.2

2004/2005 Charged	331 1 x 20mm water availability		-\$ 250.00
	625 1 x 25mm sewer availability	95%	-\$ 456.00
Downsize	333 1 x 32mm water availability		\$ 640.00
	632 1 x 32mm sewer availability	75%	\$ 590.25
		Adjustment	<u><u>\$ 524.25</u></u>
2005/2006 Charged	334 1 x 40mm water availability		-\$ 1,000.00
	640 1 x 40mm sewer availability	95%	-\$ 1,167.55
Downsize	333 1 x 32mm water availability		\$ 640.00
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Service Charge Adjustments 2004/2005 and 2005/2006

10 Littlebourne St

Assessment - 2662.430000.4

2004/2005 Charged	334 1x 40mm water availability		-\$ 1,000.00
	640 1 x 40mm sewer availability	95%	-\$ 1,167.55
Downsize	333 1 x 32mm water availability		\$ 640.00
	632 1 x 32mm sewer availability	95%	\$ 747.65
		Adjustment	<u>-\$ 779.90</u>
2005/2006 Charged	334 1x 40mm water availability		-\$ 1,000.00
	640 1 x 40mm sewer availability	95%	-\$ 1,167.55
Downsize	333 1 x 32mm water availability		\$ 640.00
	632 1 x 32mm sewer availability	95%	\$ 747.65
		Adjustment	<u>-\$ 779.90</u>

5 Zagreb St

Assessment - 50340.00000.9

2004/2005 Charged	336 1x 80mm water availability		-\$ 4,000.00
	680 1 x 80mm sewer availability	95%	-\$ 4,670.20
Downsize	334 1 x 40mm water availability		\$ 1,000.00
	640 1 x 40mm sewer availability	50%	\$ 614.50
		Adjustment	<u>-\$ 7,055.70</u>
2005/2006 Charged	336 1x 80mm water availability		-\$ 4,000.00
	680 1 x 80mm sewer availability	95%	-\$ 4,670.20
Downsize	334 1 x 40mm water availability		\$ 1,000.00
	640 1 x 40mm sewer availability	50%	\$ 614.50
		Adjustment	<u>-\$ 7,055.70</u>

Total Refund Amount -\$ 30,699.55

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Total Refund Amount **-\$ 30,699.55**

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organisation structure to take the Council forward. This structure was based on:

1. Facilitating an organisation structure that would meet the future needs of Council and the community;
2. Ensuring stability and certainty within the organisation;
3. Delivering an efficient, sustainable ongoing structure;
4. Providing improved outcomes for the citizens of the area ensuring properly delivered services.

The restructure was also undertaken having regard to the employment protection legislation passed by the NSW State Government.

Charter

Council has the following Charter enshrined in the Local Government Act:

"8(1)[The charter] A council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants.
- to keep the local community and the State Government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the Council is affected
- to be a responsible employer."

The Vision, Mission and Key Directions of Bathurst Regional Council are contained in Council's adopted Management Plan and are as follows:

"Council's Vision

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Dear Sir,

I refer to your letter of 23/11/07 in which you raise matter relating to Sewer Access Charges

During the ^{2007/08} Management Plan process Cl adopted a schedule of charges ^{shown in the Revenue Policy Section} relating to Sewer Charges. The Sewer Charge is made up of a two part charge as shown on Reattached pages. (Page 20r + 21r)

For (a) In respect to your properties you ^{have been} charged ~~for~~ Part 1 Access Charge which relates to the water meter size located at your property

(b) a Part 2 Usage Charge which is based on $\$/kl \times$ Sewerage Discharge factor which has been estimated as a percentage of the volume of water discharged into the sewer system from the total water consumption. The S.D.F. will & does vary for individual properties.

As you are aware Cl, at its expense, employs a Hydrology Engineer to look at all your premises to determine the correct water meter size applicable to each one of your properties.

Council also looked at the SDF applicable to each of your properties & made the necessary adjustments to reflect the amount of water ^{being charged for} being discharged into the sewer system.

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Your accounts for Sewer Charges reflect both Part 1 + Part 2 charges accurately,

Council has ~~correctly~~ charged your premises ~~correctly~~ in accordance with Management Plan Revenue Policy & advice tendered to Cll on 21/07/04.

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PK
v
Sharon
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MEMORANDUM

TO: MAYOR AND GENERAL MANAGER
FROM: DIRECTOR CORPORATE SERVICES & FINANCE
DATE: 8 NOVEMBER 2007
SUBJECT: **WATER AND SEWER SERVICES – RAY CARTER**
FILE: RR:AL:26.00010

I refer to Mr Ray Carter's document given to the Mayor in relation to water supply and sewer charges.

When Council received notification of changes to the water and sewer charges, Council carried out a very extensive investigation into the best methods available for water and sewer supply to Council's ratepayers.

Council was presented with numerous reports, various options and many models to determine the most applicable charge in relation to water and sewer charges.

In order to address Mr Carter's problems, I intend to discuss sewer pricing.

Sewer modelling was developed along the lines that the Sewer Fund was to be based on a cost recovery model whereby it was Council's intention to always recover the cost of running the Fund from the ratepayers. The model presented indicated two types of ratepayers, those being residential and non-residential (ie, industrial and commercial).

The Guidelines correctly indicate there was to be no cross subsidy between these two customers and each class of customer was to bear their own cost and sewer charges were to be recovered from each of these classes of customers.

In accordance with the guidelines, Council was required to make an access charge as well as a volumetric charge.

Council, in its modelling, determined the amount of fixed charge that needed to be recovered by way of access charge and what needed to be recovered by way of volumetric charge. It was then a mathematical exercise to calculate each of the charges applicable to the size of the meter and the amount to be recovered by way of volumetric ie, water going down the sewer for treatment. This system has been in place since 2004.

Mr Carter has continually raised the matter of the meter size being part of the charge for fire services on his properties.

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Council employed, at its own cost, a hydraulic engineer to look at each of Mr Carter's services and where possible, and if certified by the hydraulic engineer, Council downsized the meter to the required size. This in effect gave Mr Carter financial relief. However, the hydraulic engineer was always cognisant of the fact that each of the factories needed water supply for fire fighting services. Mr Carter was advised of this matter.

Mr Carter was also advised that Council would not introduce nominal charging for his properties in relation to meter sizes. His argument that he needed bigger meter sizes to cover fire fighting services was recognised however the Council of the day decided not to allow for a variation for a nominal size meter.

Council has, each year since, advertised its Management Plan and invited submissions in relation to the sewer costs. Mr Carter did on one occasion make a submission but Council again decided that a nominal charge for meters would not be supported.

Mr Carter has continued to pursue this matter with the Department of Energy, Utilities and Sustainability (DEUS) and various Ministers in relation to having his problem of nominal meter sizes recognised.

The DEUS has not recognised Mr Carter's requests and advised him that it is a Council prerogative to set its own fees and charges in relation to the sewer charges.

Mr Carter claims he had a meeting with Minister David Campbell who advised that Council should be taken to court for malpractice. If this were to be the case Council should advise Mr Carter to pursue the matter through the appropriate court systems.

I would refer you to the Minister's letter addressed to Mr Carter and Mr Sullivan in relation to the use of fire hoses for hosing down various areas to see the support he received from the Minister.

Finally, I do not believe Mr Carter has mounted any reasonable or constructive arguments that would see Council's methods of charging for sewer to be questioned.

Nominal size metering, if adopted by Council, would certainly open an area of complaints and submissions from numerous commercial ratepayers throughout the region. With nominal metering it would open up the area of subjective judgement of meter sizes to approximately 1,100 customers of the city that they do not need the size of the meter they actually had which in turn would see a reduction in some customers access charge and a substantial increase in others.

I submit that Mr Carter needs to be advised that Council's position is correct in relation to DEUS guidelines and Council's adopted policy on charging for sewerage charges.



Bob Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

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23/11/2007

Mr David Shirley
Bathurst Regional Council
cc Mayor Paul Toole

BATHURST REGIONAL COUNCIL
22 NOV 2007
REF. No. 00010-03/017

Dear Sirs,

could you please advise what provision
has been made for the assessment of
load put on the Sewer System in
accordance with the method adopted
by Council (see attached*) in regard
to the Sewer Access Charge.

regards

Ray Carter
Carter Bros
3 Torrance St
Kelso 2795.
m 01407258882

DES ✓
DCSF - R (Reply in conjunction with Engineers please) ✓
GM ✓
Mayor ✓

10/2

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Records

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BATHURST REGIONAL COUNCIL

Civic Centre Telephone 02 6333 6111
Cnr Russell & William Sts Facsimile 02 6331 7211
Private Mail Bag 17 council@bathurst.nsw.gov.au
Bathurst NSW 2795 www.bathurst.nsw.gov.au

BATHURST REGIONAL COUNCIL
3 OCT 2007
REF 26.00010-03/016

3 October 2007

Mr Ray Carter
3 Toronto Street
KELSO NSW 2795

Dear Mr Carter

Sewer Charges

Please find **attached** a copy of Council's calculations in relation to service charge adjustments for various properties owned by you.

As a result of a meeting held on 24 September 2007, Council has agreed that it will allow for a financial adjustment to your sewer charges.

Before Council can make an adjustment, Council would appreciate your advice as to the acceptance of the calculations in order for this adjustment to be made.


On receipt of your written response Council will arrange for a credit adjustment to be made to your various rate accounts. Would you please sign and return a copy of this letter indicating your acceptance of Council's calculations.


Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

I agree to accept the calculations, as attached to this letter, as being correct.


Signed Ray Carter


Date

DCSF

Reference: RR:AL:26.00010-03
Enquiries: Mr Bob Roach (02) 6333 6257
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Service Charge Adjustments 2004/2005 and 2005/2006

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Assessment	Address	Adjustment
5631.94210.8	9 Adrienne Street	-\$ 4,707.00
5631.94020.1	11 Adrienne Street	-\$ 1,874.60
5631.94010.2	13 Adrienne Street	-\$ 413.05
5631.93000.4	15 Adrienne Street	-\$ 2,268.10
2662.45000.2	2 Littlebourne Street	-\$ 2,835.10
2662.44000.3	6 Littlebourne Street	-\$ 2,930.50
2662.43000.4	10 Littlebourne Street	-\$ 1,559.80
50340.00000.9	5 Zagreb Street	-\$ 14,111.40
		-\$ 30,699.55

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BATHURST REGIONAL COUNCIL
 15 AUG 2007
 REF 26.000010-03/013

16/08/2007
 Mayor Norm Mann
 cc General Manager Mr David Sherley
 Bathurst Regional Council

Record of meeting held at Bathurst Regional Council chambers 3pm 15/08/2007
 Present Mayor Norm Mann (NM)
 General Manager David Sherley (DS)
 Ray Carter (RC)

Topic of discussion

Content of Carters letter dated 30/7/07 and attachments, being a rebate Carters believe is due from BRC in regard to the downsizing of water meters after the introduction of the Sewer Access Charge by BRC in July 2004.

In the meeting

NM,DS & RC agreed that the SDF and the issue of a rebate were two separate issues.

RC indicated that there was confusion on the two issues indeed in Councils letter dated 10 April 2007 which refers to Section h) being a clause dealing only with the SDF in a Council letter dated 5th November 2004. RC pointed out that this is identified in Carters letter dated 30/07/2007.

RC pointed out the number of times the rebate had previously been referred to in letters from Council as a separate issue.

DS said that letters referring to any rebate due to Carters could be illegal. When asked by RC how this could be the case when Minister David Campbell referred in his letter dated 9 May 2006, to the same rebate being due and backdated to July 2004. DS said that Mr Campbell had probably repeated what Council had told him.

RC asked how Council could have written something illegal when is Council wrote the rules on this matter.

DS said that he needed time to look into the matter, probably some 3-4 weeks.



Ray Carter
 Fax 63322576
 0407258882

GM
 DCSF
 Mayor

10.50 am 16/8

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BATHURST
REGIONAL COUNCIL



26.00010-03/014

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20 August 2007

Carter Bros Properties

Mr Ray Carter
3 Toronto Street
Kelso Industrial Park
BATHURST 2795

Dear Mr Carter

Meeting concerning meter sizes – 15 August 2007

Council acknowledges receipt of your correspondence dated 16 August 2007 concerning the above.

Council also notes your comments, but clarifies the issue about the content of the letters "referred to" by you. The context of my comment was that I would need to investigate the matter, as the interpretation of a Council letter(s) appears to be at the heart of the issue.

The issuing of the letter/s by Council is legal, however your interpretation of what it means, in the context of Council's adopted position, requires that I consider the legality of that interpretation.

With respect to Minister Campbell's comments, the discussion was based on your letter dated 30 July 2007, which states:

"On page 1 in the last line, Minister Mr David Campbell states as a result of correspondence from BRC, "All costs for meter downsizing would be met by Council and the resulting rebate backdated to July 2004"."

I am not in a position to say what prompted the statement from the Minister as I have not been involved in discussions with him.

Ray, let me assure you I will address this matter as soon as practicable, to allow this issue to be resolved.

Yours faithfully

D J Sherley
GENERAL MANAGER

Reference: DS:WM : 26.000010-03/013 vmm
Enquiries: Mr D J Sherley 02 6333 6201
Ray Carter Meeting 15 August 07

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BATHURST
REGIONAL COUNCIL



26.00010-03/015

Civic Centre Telephone 02 6333 6111
Cnr Russell & William Sts Facsimile 02 6331 7211
Private Mail Bag 17 council@bathurst.nsw.gov.au
Bathurst NSW 2795 www.bathurst.nsw.gov.au

3 October 2007

Mr Ray Carter
3 Toronto Street
KELSO NSW 2795

Dear Mr Carter

Sewer Charges

Please find **attached** a copy of Council's calculations in relation to service charge adjustments for various properties owned by you.

As a result of a meeting held on 24 September 2007, Council has agreed that it will allow for a financial adjustment to your sewer charges.

Before Council can make an adjustment, Council would appreciate your advice as to the acceptance of the calculations in order for this adjustment to be made.

On receipt of your written response Council will arrange for a credit adjustment to be made to your various rate accounts. Would you please sign and return a copy of this letter indicating your acceptance of Council's calculations.

Yours faithfully

R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

I agree to accept the calculations, as attached to this letter, as being correct.

Signed Ray Carter

Date

Reference: RR:AL:26.00010-03
Enquiries: Mr Bob Roach (02) 6333 6257
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Service Charge Adjustments 2004/2005 and 2005/2006

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Assessment	Address	Adjustment
5631.94210.8	9 Adrienne Street	-\$ 4,707.00
5631.94020.1	11 Adrienne Street	-\$ 1,874.60
5631.94010.2	13 Adrienne Street	-\$ 413.05
5631.93000.4	15 Adrienne Street	-\$ 2,268.10
2662.45000.2	2 Littlebourne Street	-\$ 2,835.10
2662.44000.3	6 Littlebourne Street	-\$ 2,930.50
2662.43000.4	10 Littlebourne Street	-\$ 1,559.80
50340.00000.9	5 Zagreb Street	-\$ 14,111.40
		<u>-\$ 30,699.55</u>

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Carter Bros. pty ltd

ABN 66 107 189 408

Attachment A

3 Toronto St
Bathurst NSW 2795
Phone 02 6331 6811
Facsimile 02 6332 2576
Email ray@carterbros.com

FACSIMILE TRANSMISSION

Attention:	David Sherley	From:	Ray Carter
Company:	Bathurst Regional Council	Date:	29/03/2007
Fax No:	1	Pages:	1
Subject:	Water meter downsizing		

Dear David

BRC has undertaken work to downsize meters on eight of our properties where the water meter size exceeded the capacity needed to service the fire hose reels.

Your ref DS:DS 26.00010-02/071

As per Councils commitment to myself and as reiterated to myself by the State Govt. in discussions in regard to the Sewer Access Charge, reimbursement of excess Sewer Access Charges on our Rates, backdated to the implementation of the Sewer Access Charge , has not as yet been attended to by Council, Could you please, at your earliest convenience, see that this is attended to and remittance made to us.

regards



Ray Carter

M 0407258882

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3:05pm
24/17 41*

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**BATHURST
REGIONAL COUNCIL**

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Attachment B

Civic Centre Telephone 02 6333 6111
Cnr Russell & William Sts Facsimile 02 6331 7211
Private Mail Bag 17 council@bathurst.nsw.gov.au
Bathurst NSW 2795 www.bathurst.nsw.gov.au

10 April 2007

Mr Ray Carter
3 Toronto St
BATHURST NSW 2795

Dear Mr Carter

Council acknowledges receipt of your letter dated 30 March 2007.

Council wishes to advise that the meter downsizes requested on the 16th August 2006 occurred in November with your accounts being adjusted from the start of the 2007 financial year. A letter dated the 24th November with the relevant adjustments was then sent.

As stated in Council's letter of Implementation dated 5th November 2004

Section h) carry out a review of Sewerage Discharge Factors. This review will be carried out on request by Council's Engineering Department provided that sufficient information is given to warrant that review. In the first year of best-practice sewer pricing any adjustment will be effective from 1 July 2004. Reviews requested in following years that result in an adjustment from the date of the initial request.

As this request was not received until 16th August 2006, 2 years after the implementation of Best Practice Sewer Charges it has been backdated to the 1st July 2006.

If you require further information, please contact Council's Rates Department on 6333 6132.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

Reference: LH:LH - 26.00010-03/006
Enquiries: Miss Lesley Haley (02) 6333 6237

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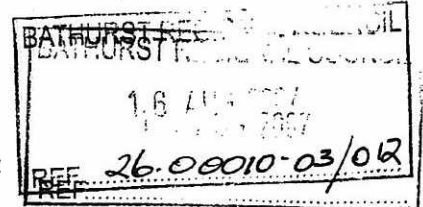
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Carter Bros Properties

3 Toronto St Kelso Industrial Park, Bathurst NSW 2795
ph (02) 6331 6811 fax (02) 6332 2576 mobile: 0407258882 email:
ray@carterbros.com



30/07/07

Mr Robert Roach
Director Financial Services
Bathurst Regional Council

G.M. Mr David Stanley

Dear Mr Roach

Thank you for your letter dated 10th April 2007. Ref LH:LH-26.00010-03/006 in reply to my fax dated 29/03/2007.

I note that you have confused the issue of reimbursement in regard to the downsizing of eight of our water meters with that of the rebate related to the Sewer Discharge Factors for those same meters. The subject of my fax (Attachment A) of 29/03/2007 is clearly "water meter downsizing" and the remittance I requested is related to this.

In your reply dated 10 April 2007 (Attachment B) you have referred to clause (h) in a letter written to myself by Administrator Kath Knowles, dated 5 November 2004. (Attachment C).

Clause (h) in this letter very clearly refers solely to the Sewer Discharge Factor and is not relevant to the rebate resulting from any water meter downsizing, which is the subject of this letter and my fax.

However, the matter of the rebate due to us as the result of the downsizing of our meters is indeed specifically mentioned and is the subject in the three articles of correspondence referred to below. (with copies attached)

1) BRC ref TD:AL:26.00010 dated 10 December 2004 (Attachment D)

This, your letter, refers to both the "review of Sewerage Discharge Factors" in the first paragraph and to then to "downsizing and removal of meters" in the second. In reference to these items, on page 2 in the first paragraph, this letter states "Any changes to sewer charges that result as an outcome of these reviews will be made from 1 July 2004"

2) BRC ref TD:AL:26.00010 dated 5 April 2005 (Attachment E)

This, your letter, alerted us to the fact that BRC had engaged John Humphreys and Associates Pty Ltd to assess our water meters and in relation to this an invitation to request this work was issued.

This letter states "The cost of downsizing or removing water meters will be met by Council. When the work is completed your sewer charges will be adjusted to reflect the changes from 1 July 2004"

3) This letter is to myself, from Mr David Campbell, Minister for Water Utilities dated 9 MAY 2006. DEUS Ref :06/109 MO Ref: SDO600867 (Attachment F)

On page page 1 in the last line, Minister Mr David Campbell states as a result of correspondence from BRC "All costs for meter downsizing would be met by Council and the resulting rebate backdated to July 2004"

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DCSE*

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4) In the meeting I had with yourself at Council Chambers, at which Council Engineers Mr David Swan and Mr Russell Deans were present it was made clear between us that the issue of the downsizing of our water meters was indeed a separate matter to that of our protest in regard to the use of the component of water meters meant for the servicing of Fire Hose Reels in the calculation of the Sewer Access Charge. You said that was a matter that I could pursue politically while the matter of raising revenue for Council was your domain.

You will note that in the correspondence in which we requested that the downsizing of eight of our meters be carried out, we requested that it be done in accordance with your correspondence.

In accordance with your correspondence we are due this rebate backdated to 1 July 2004,

Thank you for your attention to this matter and we look forward to your reply.

Yours faithfully



Ray Carter

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Martin
Paul Took
Capt

BATHURST REGIONAL COUNCIL
26-00010-03/019
3 Toronto St
Kelso 2795

5/12/07
Gerard Martin
Member for Bathurst

Dear Gerard

As you aware I have been writing to you , your government and the Bathurst Regional Council for over three years in regard to inequities evident in the implementation of the Sewer Access Charge by Bathurst Regional Council.

The basis of this inequity is the one liner contained in Council policy that " hose reels are used for other purposes". An experts report would assess this properly and should be allowed. The two pages of pictures attached, illustrate the "other purposes" that hose reels could be used for and these result in the water going anywhere but down the sewer or show how impractical it is to get water from a hose reel to actually go down the sewer..

Aside fom this , after three years of letter writing and having members of your government agree that the actual load put on the sewer should be taken into account (Mr Sartor pushed for a "nominal" size be used for the water meter rather than the full size which includes fire fighting capacity.) , I have found in Council documents that Council has, in its provisions for making this charge, the capacity to allowing for non-residential ratepayers to have "an expert report to establish the peak load (in equivalent tenements (ETs) their operations place on the sewerage system". This provision, **never revealed as an option to non-residential ratepayers**, no doubt has made BRC's method of adoption of the Sewer Access Charge acceptable to the State Government (see point 3, Chief Financial Officers report to Council Meeting 21/07/2004.attached) even though it has not been implemented.

Council has enjoyed the revenue based on the full capacity of non-residential water meters as per their ability to do so in point 3 of the attached p19 which states- "In the absence of such a report, the Council can determine the access charge on the basis of the square of the connection size times the discharge factor. This is the method adopted by Council" This amounts to an injustice upon the non-residential ratepayers of Bathurst, especially in view of my three years of letter writing on this very subject.

Please note that the issue raised here is separate and distinct to the Sewer Discharge Factor (SDF) which is assessed by Council themselves and also to the "downsizing of water meters" which was an alternative for non-residential ratepayers. The **proper consideration** of an experts report by Council, would inject the fairness back into this practice and go a long way toward addressing the present inequities in Councils present Sewer Access Charge, which instituted sewer rate charges of in some cases up to 1200%.

I hope that you will take this matter in hand and I look forward to hearing from you.

Yours faithfully

Ray Carter

Mobile Phone 0407 258882

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GM
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23/11/2007

Mr David Sherley
Bathurst Regional Council
cc Mayor Paul Toole

BATHURST REGIONAL COUNCIL
22 NOV 2007
REF. 26.00010-03/017

Dear Sirs,

could you please advise what provision
has been made for the assessment of
load put on the Sewer System in
accordance with the method adopted
by Council (see attached*) in regard
to the Sewer Access Charge.

regards

Ray Carter
Carter Bros
3 Toronto St
Kelso 2795.
m 01407258882

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DO NOT PLACE ON FILE
DO NOT RETURN TO
RECORDS

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DCSF-R (Reply in conjunction with
Engineers please)

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Mayor

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23/11/2007

Mr David Shelley
Bathurst Regional Council
cc Mayor Paul Tooll

BATHURST REGIONAL COUNCIL
22 NOV 2007
REF. 26.00010-03/017

Dear Sirs,

could you please advise what provision
has been made for the assessment of
load put on the Sewer System in
accordance with the method adopted
by Council (see attached*) in regard
to the Sewer Access Charge.

regards

Ray Carter
Carter Bros
3 Toronto St
Kelso 2795.

m 01407258882

DCSF-R
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RECORDS

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DCSF R (Reply in conjunction with
Engineers please)

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Mayor

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It should be remembered that the initial modelling was conducted on a revenue neutral basis. This means that the anticipated income was the same as that derived from 2003-2004 sewer rates and charges. These were used for estimates in the 2004-2005 budget. Any reductions or subsidies now granted will reduce Council's income.

The following recommended strategies from the Department of Energy, Utilities and Sustainability (DEUS) released on 27 February 2004 were:

- Phase in the increases for such customers over five years
- Downsize the connection size for customers with an oversized connection provided standards are met.
- Base sewerage access charges on the peak load the discharger places on the sewerage system. Such dischargers should therefore have the option of providing for Council's consideration, an expert report to establish the peak load (in equivalent tenements (ETs)) their operations place on the sewerage system. In the absence of such a report, the Council can determine the access charge on the basis of the square of the service connection size times the discharge factor. This is the method adopted by Council.
- Assist large water users to use water and sewerage services more efficiently and reduce their demands
- Adopt appropriate measures to deal with any hardship cases
- Where a large connection size 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.
- If Council proposes to provide a community service obligation to non-rateable properties (e.g. schools, hospitals, churches etc) it should only be applied to reduce the access charges. This will provide an appropriate pricing signal for water usage and sewage discharge to encourage efficient use of the services

The modelling presented to Council did not take into account revenue from trade waste fees or Section 64 developer charges. Best-Practice principles were chosen by Council as the alternative to the current rating system.

Chief Financial Officer's Report to the Council Meeting, 21/07/2004.

GENERAL MANAGER

ADMINISTRATOR

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23/11/2007

Mr David Stanley
Bathurst Regional Council
cc Mayor Paul Toole

BATHURST REGIONAL COUNCIL
22 NOV 2007
REF. No. 00010-03/017

Dear Sirs,

could you please advise what provision
has been made for the assessment of
load put on the Sewer System in
accordance with the method adopted
by Council (see attached*) in regard
to the Sewer Access Charge.

regards

Ray Carter
Carter Bros
3 Toronto St
Kelso 2795
in 0407258882

DES ✓
DCSF - R (copy in conjunction with Engineers please) ✓
GM ✓
Mayor ✓

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26 November 2007

Mr Ray Carter
Carter Bros
3 Toronto Street
KELSO NSW 2795

Dear Mr Carter

Sewer Discharge

Thank you for your letter dated 23 November 2007 regarding the method adopted by Council for determining the load imposed on Council's sewer by businesses within Bathurst.

You are advised that in the absence of the expert report for your particular business referred to in your **attachment**, Council has adopted the access charge on the basis of the square of the service connection size times the discharge factors. This has been discussed with you on a number of occasions.

I anticipate that this answers your enquiry.

Yours faithfully

Doug Patterson
DIRECTOR
ENGINEERING SERVICES

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BATHURST
REGIONAL COUNCIL



26.00010-03

Civic Centre Telephone 02 6333 6111
Cnr Russell & William Sts Facsimile 02 6331 7211
Private Mail Bag 17 council@bathurst.nsw.gov.au
Bathurst NSW 2795 www.bathurst.nsw.gov.au

6 December 2007

Mr Ray Carter
Carter Bros
3 Toronto Street
KELSO 2795

Dear Mr Carter

I refer to your letter of 23 November 2007 in which you raise matters relating to sewer access charges.

During the 2007/08 Management Plan process, Council adopted a schedule of charges shown in the Revenue Policy Section relating to Sewer charges. The Sewer charge is made up of a two part chart as shown on the attached pages (Page 20r & 21r).

In respect to your properties, you have been charged for:

- (a) A Part 1 Access Charge which relates to the water meter size located at your property multiplied by Sewerage Discharge Factor (SDF) as determined by Council;
- (b) A Part 2 Usage Charge which is based on \$/kl \$(currently \$0.81c) x Sewerage Discharge Factor which has been estimated as a percentage of the volume of water discharged into the sewer system from the total water consumption. The SDF will and does vary for individual properties.


As you are aware, Council, at its expense, employed a Hydraulic Engineer to look at all your premises to determine the correct water meter size applicable to each one of your properties.

Council also looked at the SDF applicable to each of your properties and made the necessary adjustments to reflect the amount of water, being charged for, being discharged into the sewer system.

Your accounts for Sewer charges reflect both Part 1 and Part 2 charges accurately.

Council has charged your premises correctly in accordance with Management Plan Revenue Policy and advice tendered to Council on 21 July 2004.

Yours faithfully


D J Sherley
GENERAL MANAGER

Reference: RR:WM :26.00010-03
Enquiries: Mr D J Sherley 02 6333 6201
Carterseweraccesscharges

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