

## Revenue Policy

The Draft Revenue Policy is being finalised. Rates have been increased by 2.6% in line with Division of Local Government's advice. The majority of charges have been increased by the estimated CPI of 3.0% with a growth factor of 1.0% applied where applicable.

Water charges have been increased by 4.0%. Council complied with the State Government's best practice pricing model in 2009/2010 and will continue to do so in 2010/2011. Best practice guidelines for water prices are that 25% of revenue collected is from access charges (by size of meter installed) and 75% of revenue is from usage charges for residential properties. This resulted in 2009/2010 access charges dropping to approximately half their original charge, but usage charges increasing by 64%. This change in pricing has had a marked downward effect on residential usage, to the point where Council's usage charges must increase to cover not only operating costs, but also the decrease in revenue due to lower average consumption.

Hillview water pricing continues to comply with the State Government methodology. The water charges proposed for the 2010/2011 year have been calculated in accordance with the NSW Department of Water and Energy's "Best Practice Management of Water and Sewerage Guidelines".

Those guidelines state that:

*"Best-practice water supply, sewerage and liquid trade waste pricing requires transparent tariff structures and price levels that:*

- *Recover efficient costs of service provision, including an appropriate return on infrastructure capital*
- *Provide appropriate signals to customers about the cost consequences of their service demands, in order to encourage efficient use of resources (both environmental and financial) associated with service provision"*

The long term costs of operation of the Hillview Estate facility have been assessed and the charges have been calculated accordingly. Estimated cost of running Hillview Estate Water Supply for 2010/2011 is *maintenance* - \$13,420. Council's pricing structure reflects the need to "recover efficient costs of service provision" as per the guidelines.

In relation to the second part of the above guidelines, the guidelines also state that:

*"LWUs should adopt the following pricing principles when setting water supply tariffs:*

- *Appropriate water usage charge/kL, based on the long-run marginal cost of water supply.*
- *Residential water usage charges must be set to recover at least 75% of residential revenue.*
- *To encourage water conservation, high water consuming residential customers should be subjected to a step price increase of at least 50% for incremental usage above a specified threshold."*

Council was required to implement these charges in the 2009/2010 year under the guidelines and had been moving towards these charges over the previous two years.

Sewer charges have been similarly affected. It is proposed to also increase these charges by 4.0%. Council has again been requested to change its charging method due to a change in State Government methodology of best practice. This methodology also changes the relative weighting of the access and usage charges. Council will continue to charge access fees based on the installed meter size.

Domestic Waste Collection charges are proposed to increase by reasonable cost and all other waste charges by 5.0%. These charges are largely based on recovery of labour and plant costs. Labour costs are estimated to increase by 4.0%, fuel and other plant related charges have increased by more than CPI (*ABS Series A2328727T: Automotive - year to December 2009: 28.7%*) over the past year. The increase equates to \$5 per annum extra for a weekly waste and fortnightly recycling pickup.

Assumption School	1,093
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4. That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be eighty nine (89) cents per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(f) SEWERAGE CHARGES -TRADE WASTE 2009/2010

That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2009.

1. That the Annual Trade Waste Fee for individual businesses be seventy seven dollars and ten cents (\$77.10).
2. That the Annual Trade Waste Fee (Large Discharger) for individual business be five hundred and sixteen dollars and fifty cents (\$516.50).

(g) WATER CHARGES 2009/2010 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2009.

1. That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

Size of Water Connection (mm)	Charge for 2009/2010 \$
20	125
25	195
32	320
40	500
50	782
65	1,322
80	2,002
100	3,128
150	7,039
Hillview Water Supply	128

2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and twenty five dollars (\$125.00).
3. That the annual water availability charge for vacant unconnected land be one hundred and twenty five dollars (\$125.00).
4. That the annual water availability charge for unmetered properties be two hundred and fifty dollars (\$250.00).
5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and twenty five dollars (\$125.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

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bin be made by the Council, and that the annual charge to be made for each parcel of rateable vacant land where the service is available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2009 being five dollars (\$5.00) be made by the Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of one hundred and thirty six dollars (\$136.00) per mobile bin and for each additional fortnightly recycling collection service of sixty two dollars (\$62.00) per mobile bin be made by the Council.

- (c) **WASTE MANAGEMENT SERVICE CHARGES FOR 2009/2010 (NON DOMESTIC)** – That the annual charge where the service is provided under Section 501/503 of the Local Government Act, 1993, for the weekly removal of garbage being one hundred and thirty six dollars (\$136.00) per mobile bin and the fortnightly collection of material for recycling being sixty two dollars (\$62.00) per mobile bin for the twelve months commencing 1 July 2009 be made by the Council.
- (d) **WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2009/2010** – That the annual waste charge for each property where rural tip access is provided under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2009 being sixty dollars (\$60.00) be made by the Council.
- (e) **SEWERAGE CHARGES FOR 2009/2010** – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2009.
  - 1. That the annual charge for single residential (including residential strata) and un-metered properties be three hundred and ninety nine dollars and zero cents (\$399.00).
  - 2. That the annual charge for vacant land be two hundred and eleven dollars and zero cents (\$211.00).
  - 3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2009/2010 \$
20	349
25	547
32	896
40	1,399
50	2,186
65	3,695
80	5,598
100	8,747
150	19,681
Strata Properties (Each non-residential lot)	349

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## MEMORANDUM

**TO:** MANAGER FINANCIAL SERVICES, MANAGER CORPORATE GOVERNANCE

**FROM:** DIRECTOR CORPORATE SERVICES & FINANCE

**DATE:** 18 JUNE 2009

**SUBJECT:** **ITEM 7 DIRECTOR CORPORATE SERVICES & FINANCE REPORT – 2009/2010 RATE LEVY**

**FILE:** RR:CW:16.00116

Council, at its meeting held 17 June 2009, resolved to formally resolve to make the following rates and charges in relation to the 2009/2010 Rating Year.

- (a) **ORDINARY RATES FOR 2009/2010** - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Management Plan for the twelve months to 30 June 2010 was adopted by the Council on 17 June 2009 it is hereby recommended that :
1. a **Residential Rate** of zero point three one seven nine one eight (0.317918) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT
  2. a **Residential Town/Villages Rate** of zero point nine three eight nine two five (0.938925) cents in the dollar on the land value of all rateable land sub-categorised as Residential – Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT
  3. a **Farmland Rate** of zero point two three three zero seven nine (0.233079) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT
  4. a **Business Rate** of zero point three two two three nine two (0.322392) cents in the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst Urban", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Electricity Sub - Evans Plains" AND THAT
  5. a **Business Bathurst Urban Rate** of one point seven zero four one zero zero (1.704100) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

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6. a **Business Forest Grove Rate** of one point seven zero four one zero zero (1.704100) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
7. a **Business Ceramic Avenue Rate** of one point seven zero four one zero zero (1.704100) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
8. a **Business Eglinton Non-Urban Rate** of one point seven zero four one zero zero (1.704100) cents in the dollar on the land value of all rateable land sub-categorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
9. a **Business Orton Park Rate** of one point seven zero four one zero zero (1.704100) cents in the dollar on the land value of all rateable land sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
10. a **Business Stewarts Mount Rate** of one point seven zero four one zero zero (1.704100) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
11. a **Business Electricity Sub - Evans Plains Rate** of one point seven zero four one zero zero (1.704100) cents in the dollar on the land value of all rateable land sub-categorised as Business Electricity Sub - Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
12. a **Mining Rate** of zero point three eight five zero one three (0.385013) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

BE NOW MADE for the 2009/2010 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum Amount	Base Amount	%Yield Base Amount
1	<b>Residential</b>		\$209.00	32
2	<b>Residential/Town Village</b>	\$307.00		
3	<b>Farmland</b>		\$285.00	23
4	<b>Business</b>	\$329.00		
5	<b>Business Bathurst Urban</b>	\$329.00		
6	<b>Business Forest Grove</b>	\$329.00		

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7	<b>Business Ceramic Avenue</b>	\$329.00		
8	<b>Business Eglinton Non-Urban</b>	\$329.00		
9	<b>Business Orton Park</b>	\$329.00		
10	<b>Business Stewarts Mount</b>	\$329.00		
11	<b>Business Electricity Sub - Evans Plains</b>	\$329.00		
12	<b>Mining</b>		\$209.00	47

- (b) **DOMESTIC WASTE MANAGEMENT CHARGES FOR 2009/2010** - That the annual charge for each parcel of rateable land where the service is available under Section 496 of the Local Government Act, 1993, for the weekly removal of garbage and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2009 being one hundred and ninety eight dollars (\$198.00) for the provision of one waste mobile bin and one recycle mobile bin be made by the Council, and that the annual charge to be made for each parcel of rateable vacant land where the service is available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2009 being five dollars (\$5.00) be made by the Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of one hundred and thirty six dollars (\$136.00) per mobile bin and for each additional fortnightly recycling collection service of sixty two dollars (\$62.00) per mobile bin be made by the Council.
- (c) **WASTE MANAGEMENT SERVICE CHARGES FOR 2009/2010 (NON DOMESTIC)** – That the annual charge where the service is provided under Section 501/503 of the Local Government Act, 1993, for the weekly removal of garbage being one hundred and thirty six dollars (\$136.00) per mobile bin and the fortnightly collection of material for recycling being sixty two dollars (\$62.00) per mobile bin for the twelve months commencing 1 July 2009 be made by the Council.
- (d) **WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2009/2010** – That the annual waste charge for each property where rural tip access is provided under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2009 being sixty dollars (\$60.00) be made by the Council.
- (e) **SEWERAGE CHARGES FOR 2009/2010** – That in accordance with Sections 501, 502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2009.
1. That the annual charge for single residential (including residential strata) and un-metered properties be three hundred and ninety nine dollars and zero cents (\$399.00).
  2. That the annual charge for vacant land be two hundred and eleven dollars and zero cents (\$211.00).
  3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

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100	8,747
150	19,681
Strata Properties (Each non-residential lot)	349
Assumption School	1,093

- That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be eighty nine (89) cents per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(f) SEWERAGE CHARGES -TRADE WASTE 2009/2010

That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2009.

- That the Annual Trade Waste Fee for individual businesses be seventy seven dollars and ten cents (\$77.10).
- That the Annual Trade Waste Fee (Large Discharger) for individual business be five hundred and sixteen dollars and fifty cents (\$516.50).

(g) WATER CHARGES 2009/2010 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2009.

- That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

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65	1,322
80	2,002
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150	7,039
Hillview Water Supply	128

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2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and twenty five dollars (\$125.00).
3. That the annual water availability charge for vacant unconnected land be one hundred and twenty five dollars (\$125.00).
4. That the annual water availability charge for unmetered properties be two hundred and fifty dollars (\$250.00).
5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and twenty five dollars (\$125.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

Type	Consumption	Tariff per kilolitre for 2009/2010
Hillview Estate Water Supply	First 250 kl	\$1.45
	> 250 kl	\$3.06
Residential Filtered	First 250 kl	\$1.25
	> 250 kl	\$1.88
Residential Raw	First 250 kl	\$0.56
	> 250 kl	\$0.95
Other Filtered	First 250 kl	\$1.25
	> 250 kl	\$1.88
Other Raw	First 250 kl	\$0.56
	> 250 kl	\$0.95
Large Industrial Filtered	>0 kl	\$1.25
Large Industrial Raw	>0 kl	\$0.85
Bathurst Golf Club Raw	>0 kl	\$0.80
Strata Unit property	First 250 kl (for each unit)	\$1.25
	>250 kl (for each unit)	\$1.88
Home Dialysis – subject to doctors certificate	First 200 kl	Free
	200kl-250 kl	\$1.25
	>250 kl	\$1.88

- (h) Included in this year's Management Plan in the Water Fund are amounts for Operational expenditure at the new Aquatic Centre. This is to be financed from revenue raised from the Water Fund as detailed in the Management Plan.
- (i) INTEREST ON OVERDUE RATES AND CHARGES FOR 2009/2010 – That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 9.0% per annum for the 12 month period commencing 1 July 2009.
- (j) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 3.5%, a 4.5% increase in Sewer Charges, Waste Charges have been

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> Dear Paul  
> hope you keep well.  
> attached is a report on the sewer access charge by consultant Roger  
> Heath. I put this report in to Council yesterday for consideration  
> in regard to the 09 Management Plan. The report encapsulates the  
> inequities inherent in Councils interpretation of the charge. You said  
> to me that  
> when we met one time at he Visitors Information Center that you would  
> "like to see me go up against Mr Roach" so I guess that is what I have  
> done.  
> This report is also before the NSW Ombusman. Hopefully it will be  
> brought to a head that way or perhaps you may oversee a proper revision  
> of the Charge that sees th  
> first alternative properly and fairly assessed and allowed.  
> I would like for you to distribute this to the other Councillors. Could  
> you let me know on that please. You will find the report succinct in  
> every respect.  
>  
> look forward to hearing from you  
> regards  
> Ray Carter  
>  
>  
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> \*\*\*\*\*  
> "This message is intended for the addressee named and may contain  
> confidential information. If you are not the intended recipient,  
> please delete it and notify the sender. Views expressed in this  
> message are those of the individual sender, and are not necessarily  
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## Message

### Message Header

From: ray@carterbros.com  
To: paul.toole@bathurst.nsw.gov.au  
Recipients: paul toole/bathurstcc@bathurstcc  
Subject: management plan submission  
Delivered: 20/05/2009 12:07 PM  
Msg ID: 981031  
Form: memo  
Signature: 302c02140dd63aca955745d7a4b5176eda3f526d6d0a26c7021411cf8849bc7c764ad32

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### Attachments

[rheathl02\\_08\\_064.pdf](#)

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### Message

Dear Paul  
hope you are keeping well.  
Attached is a submission I have submitted for the 09 Management Plan. It is a report I commissioned from Consulting Engineer Mr Roger Heath on the sewer access charge as implemented by BRC. You will find it a succinct document which clearly demonstrates the inequities inherent in the manner in which BRC administers the Sewer Access Charge. It is obvious from the report that BRC has loaded the Access portion of the two part charge Charge for non residential ratepayers in order that the cost of water be kept low. While everyone may enjoy low cost water in Bathurst it should not be at the expense of low load sewer users as demonstrated in in the example used (ie 300-400% overcharge or 87cents to flush an industrial toilet.)  
When we met at the visitors Information Center one time you said you would like to "see me go up against Mr Roach". Having taken that on board I have sent this report to the NSW Ombudsman in the hope that the matter be resolved.  
Could you forward this report to the Councillors please. Please let me know on that.  
regards  
Ray Carter  
0407258882  
- RHeathL02\_08\_064.pdf

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3 Toronto St  
Kelso  
22/5/09

Mr David Sherley  
General Manager  
Bathurst Regional Council

Dear Mr Sherley

re section 94 Contributions DA 2007/0650 and the Sewer Access Charge  
your letter DS:WM:DA2007/0650

You are correct. The amount was paid. I did not mean for it to be paid. It was an error on the part of my staff and made from the wrong Company.

You seem impervious to my real complaints so I will recount some of them here.

Council tried to wrongly claim an amount that would have come to approx \$28,000 by trying to include the 18m setback in the area calculation of the above. In frustration over that argument and finding late, more evidence for my claim, I paid two weeks late and you pounced on the calculation to be done for the next year. Council agreed with my area calculation in only Nov 08. Why was that ? The fire trail was never to be included. What avenue would I have had if someone in my office had slipped up and paid the incorrect amount you were claiming as has happened with the above ?

In regard to the matter of the refund for meter downsize refunds; you offhandedly called the three letters from Council promising that, alongside the one from the Minister, "illegal" and refused to repay the \$31000 until ,(I note) a couple days after Mayor Norm Mann lost his position.

When I made known to you that I found in Councils own internal report (which you said must be a public document seeing I had a copy) that non residential ratepayers had the right to have the load put on the sewer assessed in ET s. your written reply avoided the issue and you made it clear when I phoned that in effect Council would find other means to put the non residential rate up if the first option was used. I knew that this was not so as you have another report from your financial director stating in such a case the residential rate would have to rise.

Much the same as the preceding happened when the Bathurst Business Chamber wrote to you on the same matter, though the Chamber President was adamant that what you told him also was definitely the case (or rather, "had to be believed") and for a time refused to take the matter further.

It costs approx. 87 cents at one of my properties to flush the toilet. You apparently think this is fair under Fair User Pays which is calculated supposedly on the "Load put on the sewer system". Council gathers several hundred thousand dollars per annum under a

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charge headed "Fair User Pays". A charge that is supposed to be comparable to the residential charge I think not. Hardly fair on the businesses of Bathurst I think.

The use of the first option involving assessment of the sewer load in ET s precludes Council using the second option. Last year I called the then Council Administrator Kath Knowles who was in charge during the changover and implementation of the so called Fair User Pays Sewer Charge and asked did she know of the first option. She did not, until I explained it to her . As you know Council did not volunteer it (let alone advertise it as the only possible way to put fairness into the charge). It only came to light on more careful reading of your reports by myself some three years after the implementation of the "Fair User Pays" system. Kath Knowles ,Administrator , Consultant John Humphreys who did the report for the Chamber as Minister Sartor suggested and everyone else concerned with the unfairness inherent in the charge would have been able to deal with the matter properly at the proper time had they known ! You could not show the coutresy of revealing the first option to the Consultant Jonh Humphreys as appropriate; but your staff could find the time to make inappropriate contact with him. How could anyone feel that this is becoming behavior by our local council ?

When I did recently present Council with a report as per option one, you now have simply moved the goal posts off the field altogether saying I have no right to even present such a report.

Perhaps this may explain why I feel I have nowhere else to appeal but to the NSW Ombudsman.

Yours faithfully

Ray Carter

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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.bathurstregion.com.au

18 June 2009

Mr G Martin MP  
Member for Bathurst  
140 William Street  
BATHURST NSW 2795

Dear Mr Martin

**2009/2010 Management Plan**

Council has received a submission from Mr Ray Carter in relation to Council's method of charging for sewer connection.

Councillors were advised of the methods available for the charging of sewer charges being the Sewerage Discharge Factor method (SDF) and the Equivalent Tenement (ET) method.

Council, at its meeting held on 17 June 2009, considered the SDF and ET methods and on this occasion resolved not to amend its practice of charging for sewerage charges.

Yours faithfully

R Roach  
**DIRECTOR**  
**CORPORATE SERVICES & FINANCE**

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## Message

### Message Header

From: russell deans/bathurstcc@bathurstcc  
To: tony burgoyne/bathurstcc@bathurstcc  
Cc: david.swan@bathurst.nsw.gov.au  
Subject: Sewer \$ & Sam Samra & DWE Minister & Ray Carter  
Delivered: 01/07/2009 02:15 PM  
Msg ID: 1073850  
Form: memo  
Signature: 302e02150094470f3fef31362fafd145f3f39ba62221a24857021500b72c08f878c8e471et

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### Message

Hi Tony,

I have just had a call from Sam Samra in regards to an enquiry from Ray Carter to the Minister about his sewer charges.

I'm not sure why he did not contact Bob about this.

Sam wanted to know if there was a fundamental objection within Council to reviewing the sewer usage charge (\$0.89/kL) and raising it to closer to \$1.50/kL with the necessary change in access charges, and either bringing it in over one hit or over say 3 years. (BPG say the charge should be in the range of 100% to 150% of OMA (\$1.28 for BRC).

I said the answer was no & that we would do the modelling during 2090/2010 to see what the numbers looked like & what the impacts would be on a range of customers. Council could then do the community consultation & then resolve to do something.

He said that was fine & that he would report back to the Minister along those lines.

This follows our brief talk about this matter last week.

Can we make a date after the end of year works are done to start this project? Please give me a call.

Regards,  
Russell

Russell Deans  
Water and Sewer Manager

Bathurst Regional Council  
158 Russell Street Bathurst NSW 2795  
Phone: 02 6333 6225  
Fax: 02 6331 7211  
Mobile: 0418 453 602  
Web: [www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au)

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calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the Department of Energy, Utilities and Sustainability.

Would you please take the appropriate action.



R Roach  
**DIRECTOR**  
**CORPORATE SERVICES & FINANCE**

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Company , Carter Brothers Engineering Pty Ltd was awarded the inaugural "Bathurst Business of the Year" on merit , if that means anything to you. It is incumbent upon you to deal with that matter if the inference made by that Councillor is not your own view, especially at this time when you stand a substantial chance of becoming a NSW MP and will no doubt, it time,relinquish the position of Mayor. This situation would become intolerable as you may become the Member of Parliament to whom I would continue to raise this matter and the Councillor I complained to you about could well become Mayor.

Could you please read the attachment to this email. It is a press release from your Council at the time of the introduction of the Sewer Access Charge and shows that Council knew from the beginning how to make this Charge fair as instructed by the State Government (Section 409 L G Act) but has chosen, most probably for financial gain,to pursue the present method. Most likely your Council has done this because the only non-residential ratepayer possibly remaining complaining, is myself and though you may find it wearysome, I am still here. Perhaps I could be forgiven for thinking that Council has allowed a vendetta against me and perhaps I will. What sort of organisation would put out this press release and then act contrary to it ? (The unfortunate thing is that no media took it up) Certainly the publicity leaflet that Council put out at the time did not reveal this matter.

Let me also tell you that in the time that this Sewer Access matter has gone on, my Engineering business has suffered due to the stress caused by it upon myself, to the extent that it contributed substantially to the demise and closure of that business in June 2010 together with the loss of some thirty jobs.

Section 409 of the Local Govt Act requires that Council show "substantial compliance" with the Guidelines. If you consider that I, perhaps being the only remaining complainant among some eight hundred non-residential ratepayers, that therefore Council can claim "substantial compliance", you have misread the intent of the Act.The non-compliance with the Guidelines by Council in regard to this matter is very substantial to my Companies and a court would no doubt view the matter that way.

The front page of the local paper the Western Advocate , on the 1 July 2004 , the first day of the introduction of the Sewer Access Charge ,ran the headline "Sewer Stinks" and by implication, seeing your Council has changed nothing substantial in regard to this charge, it still does and is so entrenched (endemic) you apparently think I should just wear it (a near \$30,000 a year rip off of our Companies).

The Advocate, in a recent editorial noted that this present Council is the most "compliant" that Bathurst has had in recent times. This astute observation , by a body that observes Council closely, does not do Council or Bathurst any favour. It was no suprise to me then, when I was told that Councillors voted unanimously to dismiss my submission to the 2010 Management plan without being given timely opportunity to read it and acted only as advised by staff.

When I went to the Ombudsman on this matter , the end result was that that office advised that this issue was a political one. This flies in the face of the fact that Council has been told to comply with the Guidelines by NSW Govt Ministers and has chosen not to do so.That makes it a administrative issue and therefore one that you have presided over. Perhaps the Ombudsman's office did not delve sufficiently into the matter to find this out, or at least no one in a position of authority bothered to reveal it to him, so how would he know that Council had been given lawfull direction in regard to the compliance with the Guidelines (under Section 409)issued on the Fair user Pays , Sewer Access Charge as made known to me unfortunately only earlier this year by MP Gerard Martin.

I look forward to your attention to this matter

regards  
Ray Carter

--

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- IMG\_0003.jpg

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Conversion Timetable (as well as year end)

Tony Burgoyne  
Manager Financial Services  
Bathurst Regional Council  
158 Russell Street Bathurst NSW 2795  
Phone: 02 6333 6291  
Fax: 02 6331 4051  
Web: www.bathurst.nsw.gov.au

Russell Deans/BathurstCC  
01/07/2009 02:52 PM

To  
Tony Burgoyne/BathurstCC  
cc  
"David Swan" <david.swan@bathurst.nsw.gov.au>  
Subject  
Sewer \$ & Sam Samra & DWE Minister & Ray Carter

Hi Tony,

I have just had a call from Sam Samra in regards to an enquiry from Ray Carter to the Minister about his sewer charges.

I'm not sure why he did not contact Bob about this.

Sam wanted to know if there was a fundamental objection within Council to reviewing the sewer usage charge (\$0.89/kL) and raising it to closer to \$1.50/kL with the necessary change in access charges, and either bringing it in over one hit or over say 3 years. (BPG say the charge should be in the range of 100% to 150% of OMA (\$1.28 for BRC).

I said the answer was no & that we would do the modelling during 2090/2010 to see what the numbers looked like & what the impacts would be on a range of customers. Council could then do the community consultation & then resolve to do something.

He said that was fine & that he would report back to the Minister along those lines.

This follows our brief talk about this matter last week.

Can we make a date after the end of year works are done to start this project?  
Please give me a call.

Regards,  
Russell

Russell Deans  
Water and Sewer Manager

Bathurst Regional Council  
158 Russell Street Bathurst NSW 2795  
Phone: 02 6333 6225  
Fax: 02 6331 7211  
Mobile: 0418 453 602  
Web: www.bathurst.nsw.gov.au

## Message

### Message Header

From: russell deans/bathurstcc@bathurstcc  
To: tony burgoyne/bathurstcc@bathurstcc  
Cc: doug.patterson@bathurst.nsw.gov.au  
Subject: Sewer \$ & Sam Samra & DWE & Ray Carter  
Delivered: 09/09/2009 08:44 AM  
Msg ID: 1210054  
Form: memo  
Signature: 302d02147a74c2e539e97b9236240e081945044afd227e370215009fd6902bb0d223876

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### Message

Hi Tony,

Yesterday afternoon I spoke regarding the above again when Sam called.

DWE (now DECCW) recently received another letter from Ray Carter & they wanted to talk about two points.

The first being about a water meter downsize for 16 Vale Road, which is now on our works list and will be completed soon.

The second was in regards to the break up of the way the overall sewer charge is comprised of an access charge and a usage charge. Their Best Practice Guideline requirement is that the charge should be in the range of 100% to 150% of OMA (details below).

I repeated my earlier answer (we will do the modelling in the next few months, resources pending).

FYI & advice/discussion with DCS&F.

Regards,  
Russell

Russell Deans  
Water and Sewer Manager  
Bathurst Regional Council

Phone: 02 6333 6225  
Fax: 02 6331 7211  
Mobile: 0418 453 602  
Web: [www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au)

----- Forwarded by Russell Deans/BathurstCC on 09/09/2009 08:44 AM -----

Tony Burgoyne/BathurstCC  
03/07/2009 10:55 AM

To  
Russell Deans/BathurstCC@BathurstCC  
cc

Subject  
Re: Sewer \$ & Sam Samra & DWE Minister & Ray Carter

Thank you.

I'll come back to you with a time after I've had a look at the Civica



## Message

### Message Header

From: ray@carterbros.com  
To: paul.toole@bathurst.nsw.gov.au  
Recipients: paul toole/bathurstcc@bathurstcc  
Subject: Sewer Access Charge  
Delivered: 09/07/2009 09:53 AM  
Msg ID: 1089926  
Form: memo  
Signature: 302c02146761f2e6cec330c868358abfa0e06515b23e760e02147e402d145ae9d041ac0

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### Message

Mayor Paul Toole  
Bathurst Regional Council  
9/7/2009

Dear Paul

I note Councils decision in regard to the Traffic Control tender and attach a copy of the article on that from the Western Advocate 8 July 2009. In this article you note and defend both Councils "obligation under its charter" and that "we had guidelines to follow". I formally request that the same standards be applied to the Sewer Access Charge.

BRC's charter states that Council apply fairness to rates and charges.

Both the report I had done for my property at 16 Vale Rd (demonstrating a 3-400% overcharge) and the submission I made for the Management Plan demonstrate the unfairness in the Sewer Access Charge. These together with the non disclosure of the Equivalent Tenement option in an appropriate manner is clearly at odds with Councils Charter. That Council has refused to apply the Equivalent Tenement method to my property at 16 Vale Rd is certainly unfair because Council by its own management plan can only implement the Access Charge using the "service connection size times the discharge factor) in the absence of the report that I have submitted. (this being in accordance with Councils Management Plan and confirmed in latter Council correspondence)

Just as there are Guidelines for Council to deal with tenders there are Guidelines for the application of Sewer Rates and Charges. These clearly state that the Charge must reflect the "load put on the sewer system" and that the Charge must be comparable to the residential charge. The study I submitted for my property demonstrate that the charge could not be compared to the residential charge and bears no connection to the load put on the sewer by several hundred percent.

As stated, I request that the same standards you rightly defend in regard to tender matters be applied to the Sewer Access Charge and that the study I had done for 16 Vale Rd, (the invitation to do this being but forward by Council itself) assessing the load put on the sewer system be accepted and applied in accordance with Councils own management plan.

On the dozen or so properties I own that are subject to sewer access charges I estimate that what I consider to be an overcharge is costing my companies thirteen to twenty two thousand dollars per annum. Should I seek restitution from Council at any time in the future please note that the base date for such restitution would be the date at which Council refused to consider the study I submitted for 16 Vale Rd.

Please present this letter at the next Council meeting.

regards

Ray Carter

---

## Message

### Message Header

From: paul toole/bathurstcc@bathurstcc  
To: david sherley/bathurstcc@bathurstcc  
Subject: Fw: Sewer Access Charge  
Delivered: 09/07/2009 11:52 AM  
Msg ID: 1090478  
Form: memo  
Signature: 302c02145af83166ca19f66ee8e2bf2dfe17cb3cf32a33d02140152c3d1344cb372d059c

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### Message

FYI

Paul Toole  
Mayor  
Bathurst Regional Council  
158 Russell Street Bathurst NSW 2795  
Phone: 02 6333 6205  
Fax: 02 63317211  
Web: [www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au) Paul Toole

Councillor  
Bathurst Regional Council  
----- Forwarded by Paul Toole/BathurstCC on 09/07/2009 11:52 AM -----

Ray Carter <[ray@carterbros.com](mailto:ray@carterbros.com)>  
09/07/2009 09:48 AM

To  
[paul.toole@bathurst.nsw.gov.au](mailto:paul.toole@bathurst.nsw.gov.au)  
cc

Subject  
Sewer Access Charge

Mayor Paul Toole  
Bathurst Regional Council  
9/7/2009

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125

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Please present this letter at the next Council meeting.

regards  
Ray Carter

---

## Message

### Message Header

From: paul toole/bathurstcc@bathurstcc  
To: ray@carterbros.com  
Bcc: david sherley/bathurstcc@bathurstcc  
Subject: Re: Sewer Access Charge  
Delivered: 16/07/2009 04:57 PM  
Msg ID: 1104988  
Form: reply  
Signature: 302d02150083def9e5f94c0e783ec65252dc43b53eec0a9c7a021412da233d8415d2ddd

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### Message

Thanks Ray!

Your letter was forwarded on to all Councillor's and was not included in the Business Paper last meeting as it missed the cut off date.  
Council did consider your submissions previously, in the Budgetary process

Paul Toole  
Mayor  
Bathurst Regional Council  
158 Russell Street Bathurst NSW 2795  
Phone: 02 6333 6205  
Fax: 02 63317211  
Web: www.bathurst.nsw.gov.auPaul Toole

Councillor  
Bathurst Regional Council

Ray Carter <ray@carterbros.com>  
09/07/2009 09:48 AM

To  
paul.toole@bathurst.nsw.gov.au  
cc

Subject  
Sewer Access Charge

Mayor Paul Toole  
Bathurst Regional Council  
9/7/2009

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177

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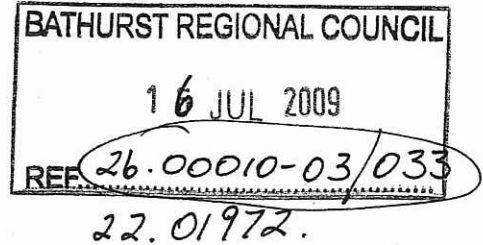
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Please present this letter at the next Council meeting.

regards  
Ray Carter

David Sherley/BathurstCC To  
 15/07/2009 11:46 AM cc  
 File Number. 1 bcc Council/BathurstCC  
 Your Ref. Subject Fw: Sewer Access Charge : email from Ray Carter to Mayor  
 Full Name. Ray Carter  
 Title.  
 Organisation.



David Sherley  
 General Manager  
 Bathurst Regional Council  
 158 Russell Street Bathurst NSW 2795  
 Phone: 02 6333 6201  
 Fax: 02 6331 7211  
 Mobile: 0408 637 527  
 Web: www.bathurst.nsw.gov.au

----- Forwarded by David Sherley/BathurstCC on 15/07/2009 11:46 AM -----

David Sherley/BathurstCC To David Sherley/BathurstCC@BathurstCC  
 15/07/2009 11:45 AM cc Bob Roach/BathurstCC@BathurstCC, Tony  
 cc Burgoyne/BathurstCC, Brian  
 cc Dwyer/BathurstCC@BathurstCC, Doug  
 cc Patterson/BathurstCC@BathurstCC  
 Subject Sewer Access Charge : email from Ray Carter to Mayor

David Sherley  
 General Manager  
 Bathurst Regional Council  
 158 Russell Street Bathurst NSW 2795  
 Phone: 02 6333 6201  
 Fax: 02 6331 7211  
 Mobile: 0408 637 527  
 Web: www.bathurst.nsw.gov.au

----- Forwarded by David Sherley/BathurstCC on 15/07/2009 11:44 AM -----

Paul Toole/BathurstCC To David Sherley/BathurstCC@BathurstCC  
 09/07/2009 11:52 AM cc  
 Subject Fw: Sewer Access Charge

DCSF ✓

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