oversized for the purpose of firefighting. The alternate method proposed is based on Equivalent Tenements (ET's) and bases the access charges on the peak load that the discharger places on the sewerage system. Such dischargers therefore have the option of providing to Council an expert report to establish the peak load that their operations place on the sewerage system.

The access charge that Council has adopted reflects the actual access that a property has to the system and is considered to be the most equitable methodology available.

The major capital works proposed for 2010/2011 include:

- Upgrading sewer main in Durham Street in accordance with the sewer model
- Replacement of aged switchboards at Sewer Pump Stations.
- Upgrade of onsite water reuse scheme at the Treatment Works
- Various treatment work upgrades.
- Various minor capital upgrades.

### WASTE SERVICES

The Waste Services budget will have a total expenditure of \$7.747 million this year.

Council's income from Waste charges in 2010/2011 has been prepared with a proposed increase in charges of 5.00% in order to maintain the status quo in service delivery.

The major capital works for the Waste Services section are:

- Installation of a meter for the Methane flare
- Extension of Recycling Bays.
- Mulch / Compost Collection Bay.
- Plant replacement program.
- Continuation of the Waste Management Voucher System.

#### CORPORATE SERVICES & FINANCE

The Corporate Services and Finance budget has a total expenditure of \$35 million this year.

The budget has been prepared along established expenditure and income patterns to ensure service levels are maintained.

Included in the 2010/2011 Management Plan capital items is an amount of \$4 Million for Civic Centre Replacement.

Other items included in the 2010/2011 budget are amounts for general office expenses and maintenance.

## Land Development

Contained within this year's Corporate Services and Finance budget is a section for land development expenditure which shows a proposed total land development expenditure of \$10.650 million (2009/10 - \$6.359 million) which includes the acquisition and development of further land for Council's land stock holdings. The increase reflects the current market recovery post the global economic crisis.

Director Corporate Services & Finance's Report to the Extraord Meeting 12/05/2010					
60	GENERAL MANAGER		MAYOR		
			Page 11		

undertake asset management procedures to cover all of the Recreation Section assets including playgrounds, parks, sporting fields and all fixtures and infrastructure contained within them. This increased responsibility will require the addition of an extra staff position to undertake mandatory inspections and collate the information for recording purposes as set by new statutory requirements.

#### WATER SERVICES

The Water Services budget will have a total expenditure of \$13.788 million this year.

Contained within the Water Services vote is the provision of funds for future capital expenditure.

Council's income from Water charges in 2010/2011 has been prepared with a proposed increase in charges of 4.00% in order to maintain the status quo in service delivery.

The major capital works for 2010/2011 are:

- Relocation of water mains due to roadworks.
- Completion of construction for a second Eglinton water main from Llanarth.
- Winburndale pipeline staged renewal.
- Various other small capital improvements.

Bathurst Aquatic Centre has been operational since 2007. Council's Management Plan does contain operational costs for the centre in the Management Plan.

### SEWERAGE SERVICES

The Sewerage Services budget will have a total expenditure of \$9.776 million this year.

Council's income from Sewerage charges in 2010/2011 has been prepared with a proposed increase in charges of 4.00% in order to maintain the status quo in service delivery.

Council is now in its sixth year of user pays pricing for sewerage services. The introduction of the pricing system was completed to comply with "Best-Practice Management of Water Supply and Sewerage" guidelines issued by the then Department of Energy, Utilities and Sustainability (DEUS) and the "Water Supply, Sewerage and Trade Waste Pricing Guidelines" issued by the Department of Land and Water Conservation.

The guidelines state that best practice involves a two part charge, an access charge based on the size of the meter serving the property and a usage charge based on the water usage registered by the meter. A Sewerage Discharge Factor (SDF), being an estimation of the ratio of water returned to the sewerage system compared to total water usage, is then applied to the charges to create equity across non residential customers. DEUS issued a standard set of SDF's for categories of businesses which Council used in its implementation, ranging from 45% to 95%. For example, a hairdressing salon in the CBD will return nearly all its water consumption to the sewerage system as its water would be only used for hair washing and toilets and would be allocated a high SDF. A school, on the other hand, would use a large proportion of its water usage on its grounds and therefore would have a lower SDF as the water is not being returned to the sewerage system.

Council currently charges an access fee based on the size of the installed meter at a property, using the same methodology that applies to the water fund. When the system was introduced, Council agreed to downsize meters at no cost to the ratepayer upon presentation of a certificate from a hydraulic engineer. The proposed system is based on nominal meter access charges to compensate for premises where the water meter is

Director Corporate Services & Finance's Report to the Extraord Meeting 12/05/2010

GENERAL MANAGER

#### General Revenue

Contained within the General Revenue Section of Council's budget for this year are the following:

- Ordinary rates income.
- Pensioner rebates and the subsequent government subsidy in respect to Ordinary Rates
- extra charges on overdue rates.
- earnings on investments.
- income from Financial Assistance Grants.
- internal loan repayments.
- Section 611 charges.

Earnings from Investments estimates are approximately \$1 million less than the previous year due to the current economic climate that is predicted to continue into the short term.

### Organisation Structure

#### Introduction

The Council most recently reviewed its structure, this structure was based on:

- 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 "Our Vision Our Direction Our Values" document and the Management Plan, and are as follows:

#### Council's Vision

To enhance the lifestyle and environment through effective leadership, community involvement and community service.

#### **Council's Mission**

The equitable development and maintenance of services provided for the general health and well being of the citizens of the Bathurst region and the adjustment of these services to meet the changing needs.

## **Key Directions**

The Management Plan has been developed based on the Council's key identified directions:

### Leadership

To provide a regional centre with a country lifestyle and cosmopolitan opportunities that encourages economic growth; provides well-planned services and facilities; and ensures the strategic provision of services and facilities to meet the needs of the community.

#### Infrastructure

To have in place quality infrastructure that meets the needs of the community by providing adequate facilities for a population of 80,000 by the year 2050.

#### Economic Development

To create a progressive economic environment that facilitates job creation and is responsive to changing demands.

Lifestyle

To enhance the lifestyle of residents and of visitors to the Bathurst Region by optimising their health and safety, and providing a clean and safe environment; by providing and maintaining recreation and leisure facilities; by provision of range of cultural facilities; by increasing access to quality and affordable community facilities and services; and by promoting the principles of ecologically sustainable development while preserving the existing environment.

Director Corporate Services & Finance's Report to the Extraord Meeting 12/05/2010



These directions are developed through Council research, such as the annual community survey. The current structure meets issues such as infrastructure and environment.

The existing organisation structure consists of the General Manager and the following Department structure:

- Corporate Services & Finance
- **Engineering Services**
- Environmental, Planning & Building Services
- Cultural & Community Services

The organisation structure and associated functions are as follows:

# General Manager

Director Corporate Services & Finance	Director Engineering Services	Director Environmental Planning and Building Services	Director Cultura & Community Services
Payroll	Water & Sewer	Corporate Planning	Art Gallery
Administration	Waste Management	Building Control	Library
Governance	Parks & Gardens	Health	Chifley Home & Interpretive Centre
Stores/Purchasing	Aquatic Centre	Pollution Control	Somerville Collection
Information Services	Depot & Plant	Development Control & Applications	Bathurst Memorial Entertainment Centre
Geographical Information Systems	Floodplain Management	Traffic Inspectors (parking control)	Scallywags Childcare, Including Little Scallywags
Records	Mount Panorama	Rangers	Family Day Care
Human Resources	Operations	Stock Impounding	Vacation Care
Risk Management/ Insurance	Maintenance (roads, bridges, kerb & gutter)	Heritage & Conservation	Community Services
Rates	Construction (roads, bridges)	Regulatory Functions	Cultural Planning
Creditors/debtors	Contract Management	Animal Control	Community Social Planning
Freedom Of Information	Design Works	Companion Animals	Community Development
Business Papers	Disaster Planning	Food/Health Inspections	Historical Society
OH&S	Aerodrome	Immunisation	Youth Council
Internal Audit	Asset Management	State of Environment	Crime Prevention
Management Plan	Project Management	Tree Preservation Order	Community Facilities
Financial Management	Forward Planning:	Septic Tanks	Community Halls/ Groups/Organisat

Director Corporate Services & Finance's Report to the Extraord Meeting 12/05/2010

			ions
Committee Secretariat	* Environment	Strategic Planning	Kelso Community Centre
Switchboard	* Recreation	Land Use Planning	CDSE
Customer Request Management System	* Infrastructure	Subdivision Planning	Inter-agencies
Rural Fire Service	Basketball Stadium	Ordinance Control	Senior Citizen Centre
State Emergency Service	Tennis Courts	Licence Monitoring	National Motor Racing Museum
Communications/E vents	Traffic Management	Section 94 Contributions	
Property Development & Management	Buildings Maintenance	Plumbing & Drainage	
Mount Panorama Business	Subdivision Design & Construction	Environmental Management	
* Conferencing & Events	Vegetation Management Plan	Contamination	
Annual Report	Cemeteries	Tourism	
Sister City	Drainage/Storm water	Economic development	
21 4 4	Private Works		

Each of the Departments has a Director appointed who is "senior staff" in accordance with Section 332 of the Local Government Act.

#### **CULTURAL AND COMMUNITY SERVICES**

The Cultural and Community Services budget will have a total expenditure of \$9.742 million this year.

Art Gallery, Chifley Home, Historical Museum, Community Arts, Library Services and Somerville Collection have generally been maintained at existing levels. Also contained within this area of expenditure are Family Day Care, Scallywags and Little Scallywags Child Care, Home and Community Care Centre, Vacation Care, Senior Citizens, Kelso Community Centre, Bathurst Information and Neighbourhood Centre, Seymour Street Cottage, West Bathurst Community House and Village Halls.

#### **CULTURAL SERVICES**

#### Art Gallery

Includes ongoing operation for the Bathurst Regional Art Gallery and includes an extensive exhibition and acquisitions program as well as costs associated with the Hill End cottage and Artists in Residence Program.

# Message

Message Header

From:

wpntg@bigpond.net.au

To:

paul toole/bathurstcc@bathurstcc

Subject:

Ray Carter

Delivered:

24/08/2010 04:23 PM

Msg ID:

1930774

Form:

memo

Signature:

302d0214735133e160831a01db6959f22a0adf39c052ab4d021500be6526a6013121078

#### Message

PT

Just in case you doubted that Ray Carter was a Liberal, hope you saw yesterdays Advo with the photo of him handing out John Cobb flyers.

He tells me Gerard Martin has arranged a meeting for him with Water Minister to discuss his "issue" with BRC!

He not going to go away!

cheers

LS

The contents of this email and its attachments constitutes confidential information for the use of the abovementioned recipient only. It is not to be copied, released, conveyed, published or disseminated in any way to another person or entity without the express prior authorisation of LA & RF Sullivan (Westpoint News, Toys & Gifts)

Any person who receives this transmission in error, or in breach of the above prohibition, are requested to delete this message from their computers and to advise the sender by reply email so that we may amend our records.

(WK) 02 6332 9896 (Fax) 02 6331 4842 wpntg@bigpond.net.au

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David Sherley/BathurstCC

11/12/2009 07:52 AM File Number. 16.00112 & Your Ref. Full Name. Ray

Carter Title.

Organisation.

To Bob Roach/BathurstCC@BathurstCC

cc David Sherley/BathurstCC@BathurstCC@BathurstCC@BathurstCC

bcc Council/BathurstCC

Subject Ray Carter: submission management plan: sewer-

2009/2010 & 2010/11 plans

#### Records

Please place on both files i.e. 2009/10 mgent plan file (16.00112) & 2010/11 (?????) mgent plan file

#### Paul

The following was part of the report to council on the 2009/10 management plan (DCSF #4, Ordinary meeting 17.06.2009). This had the Heath Consulting letter of 13 May 2009 attached. The last 2 pages that you sent yesterday to councillors are not included in the submissions put to the management plan (????).

Also when the Mgent Plan went on public exhibition refer DCSF #4, 15.04.2009, Ray had another submission up on the same issue, see below. This was included in the business paper.

I think you can respond to Ray that yes the submission was considered.

Bob.

Did you send a letter to Ray after the Mgent Plan was adopted, covering his submission? If so can you let Paul know please.

REPORT TO COUNCIL 17.06.2009.

## (d) Change to Sewer Access Pricing

**Recommendation**: That Council not amend its Management Plan for 2009/2010 in respect of the submission received from Mr Carter.

**Report:** Council has received a submission from Mr R Carter (<u>attachment 3</u>) to change the already adopted best practice system in regard to non residential sewer access charges. This is a further submission to the Management Plan as his previous submission that was considered by Council at its meeting 15 April 2009 was not successful.

Council currently charges an access fee based on the size of the installed meter at a property, using the same methodology that applies to the water fund. When the system was introduced, Council agreed to downsize meters at no cost to the ratepayer upon presentation of a certificate from a hydraulic engineer.

Mr Carter's proposed system is based on nominal meter access charges to compensate for premises where the water meter is oversized for the purpose of firefighting. The alternate method proposed is based on Equivalent Tenements (ET's) and bases the access charges on the peak load that the discharger places on

the sewerage system. Such dischargers therefore have the option of providing to Council an expert report to establish the peak load that their operations place on the sewerage system.

The access charge that Council has adopted reflects the actual access that a property has to the system. Accordingly, it is recommended to continue the existing method for the user pays sewerage charges.

# Financial Implications

Adoption of a new charging structure would require recalculation of the entire sewerage user pays system using the new methodology. Council's operating margins in the sewerage system are minimal and a loss in revenue from Mr Carter's property would require the deficit to be recovered from the rest of the community.

Attachment



## REPORT TO COUNCIL 15.04.2009

## SEWERAGE SERVICES

The Sewerage Services budget will have a total expenditure of \$9.124 million this year.

Council's income from Sewerage charges in 2009/2010 has been prepared with a proposed increase in charges of 4.5% in order to maintain the status quo in service delivery.

Council is now in its fifth year of user pays pricing for sewerage services. The introduction of the pricing system was completed to comply with "Best-Practice Management of Water Supply and Sewerage" guidelines issued by the Department of Energy, Utilities and Sustainability (DEUS) and the "Water Supply, Sewerage and Trade Waste Pricing Guidelines" issued by the Department of Land and Water Conservation.

The guidelines state that best practice involves a two part charge, an access charge based on the size of the meter serving the property and a usage charge based on the water usage registered by the meter. A Sewerage Discharge Factor (SDF), being an estimation of the ratio of water returned to the sewerage system compared to total water usage, is then applied to the charges to create equity across non residential customers. DEUS issued a standard set of SDF's for categories of businesses which Council used in its implementation, ranging from 45% to 95%. For example, a hairdressing salon in the CBD will return nearly all its water consumption to the sewerage system as its water would be only used for hair washing and toilets and would be allocated a high SDF. A school, on the other hand, would use a large proportion of its water usage on its grounds and therefore would have a lower SDF as the water is not being returned to the sewerage system.

Council has received a submission from a ratepayer (<u>attachment 1</u>) to change the already adopted best practice system in regard to non residential access charges. Council currently charges an access fee based on the size of the installed meter at a property, using the



# HEATH CONSULTING ENGINEERS

HENGCON PTY LTD ACN 103 488 348 Postal Address: PO BOX 2501 ORANGE NSW 2800

Office Location: 35 I SUMMER STREET ORANGE NSW

Our Ref: L06 08 064.doc

2 November 2010

Cambrune Pty Ltd 233 College Road BATHURST NSW 2795

Attention:

Mr Ray Carter

Dear Sir

# RE. ASSESSMENT OF WATER & SEWER FOR VARIOUS PROPERTIES WITHIN BATHURST REGIONAL COUNCIL

Heath Consulting Engineers has carried out assessments of various properties under your control with regard to water and sewer access charges. The assessments used two methods of calculating water usage, Equivalent Tenement method and Probable Simultaneous Demand method.

The Equivalent Tenement method is referred to by the Department of Energy, Utilities and Sustainability as part of their recommended strategies for determining the actual discharge placed on the sewerage system.

We note that the Mayor Mr Paul Toole advised in his letter to Mr Peter Sargent (Bathurst Business Chamber) that in July 2004 Council were presented with options to charge either of the following:

- (a) Base sewerage access charges on the peak load the discharger places on the sewerage system. Such discharges should therefore have the option of providing for Council's consideration, ex expert report to establish the peak load in equivalent tenements (ET's) their operations place on the sewerage system.
- (b) In the absence of such report the Council can determine the access charge on the basis of the square of the service connection size times the discharge factor

Mr Toole advises that Option (b) was adopted by Council and that the ET method is not available to customers. Option (b) plainly states that in the absence of an expert report then the access charge is based on the water meter size, therefore based on the exact wording of Option B the provision of an expert report establishing the ET's an operation places on the sewerage system is plainly still available to customers.

The then Minister of Energy and Utilities, Mr Frank Sartor in his letter to Mr Lachlan Sullivan (then President of the Bathurst Chamber of Commerce) dated 24 December 2004 stated that he was assured by Council that they would assess evidence from customers that offered an alternative approach to determining the sewer access charge. Such evidence would be from an independent hydraulic engineer which analysed the historical and likely

Telephone: (02) 6360 0755 Facsimile: (02) 6360 0766 Email: admin@bigpond.com



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future water consumption and sewer discharge patterns and the likely peak discharge requirements.

The results of the assessments indicated that in many instances the water meters are oversized for the properties. They also show that in the majority of instances a much large water meter is only required in order to satisfy the flow requirements for fire hose reels and or fire hydrants.

John Humphreys & Associates, in his report dated March 2005 on the *Implementation of* "Best Practice" Sewerage Rating in Bathurst also concluded similar findings in that water meters on industrial and commercial properties are generally oversized to cater for fire hydrant and fire hose reel flows, meaning that properties are being penalised for having an oversized water meter even when minimal demand is placed on Council's sewerage infrastructure.

Our assessments found that based on the Equivalent Tenement method, it appears as though you and your companies have been overcharged by approximately \$88,750.00 for water availability charges and approximately \$105,000.00 for sewer access charges between the years 2003 and 2010.

The assessments proved that the water and sewerage charges paid by the properties were in no way a reflection of the water and sewerage loads placed on Council's reticulation systems. We firmly believe that these assessments continue to support that the sewer charges adopted by Bathurst Regional Council are firmly at odds with their own sewerage pricing policy principles, the Department of Water and Energy's best practice guidelines and also the true principles of pay for use.

One other important fact that supports these views is the drop in water availability charges and rise in water usage charge from 2004 to 2010. As an example, take a nominal 40mm diameter water meter. In 2004 the water availability charge levied by Council for this size water meter was \$1,000.00 with a usage charge of \$0.95/kilolitre of water. In 2010 the water availability has dropped to \$500.00 with the water usage charge rising to \$1.25/kilolitre. The example shows that over the last six years the fixed charges have halved and the usage charges have increased by approximately 36%. This change can be easily viewed that Councils charges have not been in accordance with the Department of Water and Energy's best practice guidelines.

It is understood that Councils have to report their annual water and sewerage charges and revenue to the State Government. The State Government has requirements about how much of the revenue can be levied from the fixed charges ie availability charges and how much is to be made from the usage charges. It is understood that this split is approximately 25/75.

It is interesting to note that Bathurst Regional Council have gone to great lengths in their current management plan to prove that their annual availability and water usage charges for a domestic 20mm diameter water meter are lower than most other Councils. This was not done in previous years where their availability charges were much higher. It is also interesting that no comparison was provided for larger water meter sizes typically used for industrial and commercial properties.

The calculations and reports that we have prepared on your behalf may be used by you in your pursuit of a fair user pay system for sewer and water access charges. The then Minister of Energy and Utilities, Mr Frank Sartor in his letter to Mr Lachlan Sullivan (then

Telephone: (02) 6360 0755

Facsimile: (02) 6360 0766

Email: admin@heathce.com

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President of the Bathurst Chamber of Commerce) dated 24 December 2004 was also keen to see that all customers were treated fairly and not faced with unwarranted access charges.

Yours faithfully

**Heath Consulting Engineers** 

Per:

ROGER HEATH

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18

# Message

Message Header	From:	russell deans/bathurstcc@bathurstcc		
	To:	@water.nsw.gov.au		
	Cc:	doug patterson/bathurstcc@bathurstcc		
	Bcc:	nicholas lavoipierre/bathurstcc@bathurstcc		
	Subject:	16 Vale Road		
	Delivered:	26/11/2010 11:54 AM		
	Msg ID:	2146892		
	Form:	memo		
	Signature:	302c021411f053b7fca95c0ff9088c5d99db85fe760768c602143eb09cf4018936a10fcf609		
•••••	2004044074074079 IS			

# Attachments

#### 20101126113516933.pdf

#### Message

Hi 🌘



As discussed, please find attached below some relevant documents in regards to the above property owned by Ray Carter, including the meter downsizing request and reports and replies, the sewer access charge, an aerial photo of the property, and some information on the (very small) water consumption at the property.

Also as discussed, I can confirm that the sewer discharge factor is 95%. Council would be willing to review the SDF, as it would for any non-residential property.

Please feel free to contact me should you have any further questions or require any clarification.

Regards Russell

Russell Deans Manager Water and Waste

Bathurst Regional Council 158 Russell Street Bathurst 2795 Phone: 02 6333 6225 Fax: 02 6331 7211

Mobile: 0418 453 602 www.bathurst.nsw.gov.au

---- Forwarded by Russell Deans/BathurstCC on 26/11/2010 11:54 AM -----

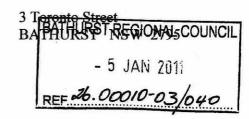
Marilyn Osborne/BathurstCC

26/11/2010 11:36 AM

To Russell Deans/BathurstCC@BathurstCC cc

Subject

Marilyn Osborne
Engineering Assistant
Bathurst Regional Council
158 Russell Street Bathurst 2795
Phone: 02 6333 6290
Fax: 02 6333 6115
www.bathurst.nsw.gov.au
- 20101126113516933.pdf



31<sup>ST</sup> December 2010.

Mr David Sherley General Manager Bathurst Regional Council Russell Street BATHURST NSW 2795

Dear Mr Sherley,

Please find attached 15 invoices for properties which are owned by several of our companies.

These invoices are for overcharges on rates that have been paid on the subject properties since 01/07/2004 until 30/06/2010.

# # # J #

The invoiced amounts are as per attached report by Heath Consulting Engineers, who have done the calculations in accordance with councils own management plan. If you have any queries please put them in writing to myself at the above address.

Regards

Ray Carter

For:

Prefabricated Buildings Pty Ltd Carter Bros Engineering Pty Ltd

Coveport Pty Ltd

Carters Bros Engineering Executive Superannation Fund

Waraia Pty Ltd

Cambrune Pty Ltd

DCSF-IN.

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