

26.00010-03|041



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

6 January 2011

Ray Carter
Carter Bros Engineering (NSW) Pty Ltd
3 Toronto Street
BATHURST NSW 2795

Dear Ray

Water and Sewer Rate Charges

Thank you for your letter dated 31 December 2010 regarding water and sewer matters relating to your various properties.

Council has on many occasions advised you in detail of Council's position in relation to these charges and Council's method of calculating water and sewer charges.

Council can add no further information to that already supplied. Council have also returned your invoices.

Yours faithfully

R Roach 
DIRECTOR
CORPORATE SERVICES & FINANCE

Reference: RR:MO:26.00010-03/040
Enquiries: Mr Bob Roach (02) 6333 6257
ltr- Carter Bros_Rates

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Cambrune Pty Limited

TAX INVOICE

A.C.N. 003710307
3 Toronto St
Bathurst NSW 2795

16th November 201

Bathurst Regional Council
Russell Street
BATHURST NSW 2795

Rate overcharges for the periods (financial years) 2004/2005 – 2009/2010 as per expert hydraulic engineers report attached and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base.

Assessment No. 4758-500000-5

Access sewer charge – overcharge for 16 Vale Road	\$5425.10
Water availability charge – overcharge for 19 Vale Road	\$4165.00

TOTAL	\$9590.10
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Carters

Carter Bros Engineering (NSW) Pty Ltd

ACN 107 189 408
 ABN 66 107 189 408
 3 Toronto St
 Bathurst NSW 2795
Phone 02 6331 6811
 Facsimile 02 6332 3185
 Email Noelene@carterbros.com

TAX INVOICE

Tax Invoice

Bill To:
 BATHURST REGIONAL COUNCIL
 PMB 17
 BATHURST NSW 2795

Invoice #: 00021253

Date: 16/11/2010

Your Order #:

Description	Amount	Amount + GST	Job
Rate overcharges for the periods (financial years) 2004/2005 - 2009/2010 as per expert hydraulic engineers attached report and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base. Assessment No. 1508-01998-9			
Sewer access charge - overcharge for 22 Hampdon Park Road	\$3,264.91	\$3,264.91	
Water availability charge - overcharge for 22 Hampdon Park Road	\$3,388.00	\$3,388.00	

This claim has been made under the Building and Construction Security of Payment Act 1999

Electronic Banking Details
 Account Name: Carter Bros Engineering NSW Pty Ltd
 BSB Number: 062-504
 Account Number: 10273775

Total:	\$6,652.91
GST:	\$0.00
Total Sale Inc GST:	<u>\$6,652.91</u>
Amount Applied:	\$0.00
Balance Due:	\$6,652.91
And is due on:	16/12/2010

Terms of Payment: Net 30

*If you have any queries regarding this
 invoice please contact Noelene on (02) 6331
 6811*

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Carters

Carter Bros Engineering (NSW) Pty Ltd

ACN 107 189 408
ABN 66 107 189 408
3 Toronto St
Bathurst NSW 2795
Phone 02 6331 6811
Facsimile 02 6332 3185
Email Noelene@carterbros.com

TAX INVOICE

Tax Invoice

Bill To:
BATHURST REGIONAL COUNCIL
PMB 17
BATHURST NSW 2795

Invoice #: 00021252

Date: 16/11/2010

Your Order #:

Description	Amount	Amount + GST	Job
Rate overcharges for the periods (financial years) 2004/2005 - 2009/2010 as per expert hydraulic engineers attached report and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base. Assessment No. 4727-25000-5			
Sewer access charge - overcharges for 3 Toronto Street Bathurst	\$2,174.03	\$2,174.03	
Water availability charge - overcharge for 3 Toronto Street Bathurst	\$1,389.00	\$1,389.00	

This claim has been made under the Building and Construction Security of Payment Act 1999

Electronic Banking Details

Account Name: Carter Bros Engineering NSW Pty Ltd
BSB Number: 062-504
Account Number: 10273775

Total: \$3,563.03

GST: \$0.00

Total Sale Inc GST: \$3,563.03

Amount Applied: \$0.00

Balance Due: \$3,563.03

And is due on: 16/12/2010

Terms of Payment: Net 30

*If you have any queries regarding this
invoice please contact Noelene on (02) 6331
6811*

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Carters

Carter Bros Engineering (NSW) Pty Ltd

ACN 107 189 408
ABN 66 107 189 408

3 Toronto St

Bathurst NSW 2795

Phone 02 6331 6811

Facsimile 02 6332 3185

Email Noelene@carterbros.com

TAX INVOICE

Tax Invoice

Bill To:

BATHURST REGIONAL COUNCIL
PMB 17
BATHURST NSW 2795

Invoice #: 00021251

Date: 16/11/2010

Your Order #:

Description	Amount	Amount + GST	Job
Rate overcharges for the periods (financial years) 2004/2005 - 2009/2010 as per expert hydraulic engineers attached report and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base. Assessment No. 5631-94010-2			
Sewer access charge - overcharge for 13 Adrienne Street Bathurst	-\$1,890.15	-\$1,890.15	
Water availability charge - overcharge for 13 Adrienne Street Bathurst	\$2,509.00	\$2,509.00	

This claim has been made under the Building and Construction Security of Payment Act 1999

Electronic Banking Details

Account Name: Carter Bros Engineering NSW Pty Ltd

BSB Number: 062-504

Account Number: 10273775

Total: \$618.85

GST: \$0.00

Total Sale Inc GST: \$618.85

Terms of Payment: Net 30

Amount Applied: \$0.00

Balance Due: \$618.85

*If you have any queries regarding this
invoice please contact Noelene on (02) 6331
6811*

And is due on: 16/12/2010

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WARAIA

Pty Ltd

ACN 101 610 995
ABN 86 101 610 995

3 Toronto St
Bathurst NSW 2795

Facsimile 02 6332 3185
Email Noelene@carterbros.com

TAX INVOICE

Tax Invoice

Bill To:

BATHURST REGIONAL COUNCIL
RUSSELL STREET
BATHURST NSW 2795

Invoice #: 00000055

Date: 16/11/2010

Your Order #:

Description	Amount	Amount + GST
Rate overcharges for the periods (financial years) 2004/2005 - 2009 /2010 as per expert hydraulic engineers attached report and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base.		
Assessment No. 50341-00000-3		
sewer access charge - overcharges for 15 Zagreb Street Bathurst	-\$127.03	-\$127.03
Water availability charge - overcharges for 15 Zagreb Street Bathurst	\$202.00	\$202.00

Electronic Banking Details
BST - 062-504
Account - 10357864

Terms of Payment - as per your lease

Total:	\$74.97
GST:	\$0.00
Total Sale Inc GST:	\$74.97
Amount Applied:	\$0.00
Balance Due:	\$74.97

*If you have any queries regarding this invoice
please contact Bronson on (02) 6331 6811*

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Coveport

Pty Ltd

ACN 078 881 508
ABN 77 629 817 340
3 Toronto St
Bathurst NSW 2795
Phone 02 6331 6811
Facsimile 02 6332 3185
Email Noelene@carterbros.com

TAX INVOICE

Tax Invoice

Bill To:

Bathurst Regional Council
PMB
Bathurst NSW 2795

Invoice #: 00000324

Date: 16/11/2010

Order #:

Description	Amount	Amount + GST
Rate overcharges for the periods(financial years) 2004/2005 to 2009/2010 as per expert hydraulic engineers attached report and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base. Assessment No. 50338-00000-8		
Sewer access charge - overcharge for 1 Adrienne Street Bathurst	\$9,538.60	\$9,538.60
Water availability charge - overcharge for 1 Adrienne Bathurst	\$6,515.00	\$6,515.00

Electronic Banking Details
BST - 062-504
Account - 28006771

Terms of Payment - as per your lease

Total:	\$16,053.60
GST:	\$0.00
<u>Total Sale Inc GST:</u>	<u>\$16,053.60</u>
Amount Applied:	\$0.00
Balance Due:	\$16,053.60

*If you have any queries regarding this invoice
please contact Noelene on (02) 6331 6811*

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Coveport

Pty Ltd

ACN 078 881 508
ABN 77 629 817 340
3 Toronto St
Bathurst NSW 2795
Phone 02 6331 6811
Facsimile 02 6332 3185
Email Noelene@carterbros.com

TAX INVOICE

Tax Invoice

Bill To:

Bathurst Regional Council
PMB
Bathurst NSW 2795

Invoice #: 00000325

Date: 16/11/2010

Order #:

Description

Amount

Amount + GST

Rate overcharges for the periods (financial years) 2004/2005 to 2009/2010 as per expert hydraulic engineers attached report and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base.

Assessment No. 50340-00000-4

Sewer access charge - overcharge for 5 Zagreb Street Bathurst

\$13,560.13

\$13,560.13

Water availability charge - overcharge for 5 Zagreb Street Bathurst

\$13,272.00

\$13,272.00

Electronic Banking Details
BST - 062-504
Account - 28006771

Terms of Payment - as per your lease

Total: \$26,832.13

GST: \$0.00

Total Sale Inc GST: \$26,832.13

Amount Applied: \$0.00

Balance Due: **\$26,832.13**

*If you have any queries regarding this invoice
please contact Noelene on (02) 6331 6811*

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Prefab

Prefabricated Buildings Pty Ltd

ABN 45 092 021 120
3 Toronto St
Bathurst NSW 2795
Phone 02 6331 6811
Facsimile 02 6332 3185
Email Noelene@carterbros.com

TAX INVOICE

Tax Invoice

Bill To:

BATHURST REGIONAL COUNCIL
RUSSELL STREET
BATHURST NSW 2795

Invoice #: 00007556

Date: 16/11/2010

Your Order #:

Description	Amount	Amount + GST	Job No
Rate overcharges for the periods (financial years) 2004/2005 - 2009/2010 as per expert hydraulic engineers attached report and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base.			
Assessment No. 52444-00000-5			
Sewer access charge - overcharge for 369 Stewart Street Bathurst	\$43,828.85	\$43,828.85	
Water availability charge - overcharge for 369 Stewart Street Bathurst	\$29,161.00	\$29,161.00	

Electronic Banking Details
BST - 062-504
Account - 28013410

Terms of Payment: Net

*If you have any queries regarding this
invoice please contact Noelene on (02) 6331
6811*

Total: \$72,989.85
GST: \$0.00
Total Sale Inc GST: \$72,989.85
Amount Applied: \$0.00
Balance Due: \$72,989.85
And is due on: 16/11/2010

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Prefab

Prefabricated Buildings Pty Ltd

ABN 45 092 021 120
3 Toronto St
Bathurst NSW 2795
Phone 02 6331 6811
Facsimile 02 6332 3185
Email Noelene@carterbros.com

TAX INVOICE

Tax Invoice

Bill To:

BATHURST REGIONAL COUNCIL
RUSSELL STREET
BATHURST NSW 2795

Invoice #: 00007555

Date: 16/11/2010

Your Order #:

Description	Amount	Amount + GST	Job No
Rate overcharges for the periods (financial years) 2004/2005 - 2009/ 2010 as per expert hydraulic engineers attached report and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base.			
Assessment No. 6005-61000-8			
Sewer access charge - overcharge for 5475 Great Western Highway.	\$5,890.60	\$5,890.60	
Water availability charge - overcharge for 5475 Great Western Highway	\$5,452.00	\$5,452.00	

Electronic Banking Details
BST - 062-504
Account - 28013410

Terms of Payment: Net

*If you have any queries regarding this
invoice please contact Noelene on (02) 6331
6811*

Total:	\$11,342.60
GST:	\$0.00
Total Sale Inc GST:	\$11,342.60
Amount Applied:	\$0.00
Balance Due:	\$11,342.60
And is due on:	16/11/2010

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Carters

Carter Bros Engineering Executive Superannuation Fund

ACN 002 244 411
ABN 45 110 627 229

3 Toronto St
Bathurst NSW 2795

Phone 02 6331 6811

Facsimile 02 6332 3185

Email Noelene@carterbros.com

TAX INVOICE

Tax Invoice

Bill To:

Bathurst Regional Council
Russell Street
BATHURST NSW 2795

Invoice #: 00000498

Date: 16/11/2010

Your Order #:

Description	Amount	Amount + GST	Job No
Rate overcharges for the periods (financial years) 2004/2005 - 2009/ 2010 as per expert hydraulic hydraulic engineers attached report and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base.			
Assessment No. 5631-94210-8 Sewer access charge - overcharge for 9 Adrienne Street Bathurst	\$4,868.50	\$4,868.50	
Water availability charge- overcharge for 9 Adrienne Street Bathurst	\$4,191.00	\$4,191.00	

Electronic Banking Details
BSB - 062-504
Account - 28019409

Total: \$9,059.50

GST: \$0.00

Terms of Payment: Net 30th after EOM

Total Sale Inc GST: \$9,059.50

Amount Applied: \$0.00

*If you have any queries regarding this
invoice please contact Bronson on (02) 6331
6811*

Balance Due: \$9,059.50

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Carters

Carter Bros Engineering Executive Superannuation Fund

ACN 002 244 411
ABN 45 110 627 229

3 Toronto St
Bathurst NSW 2795
Phone 02 6331 6811
Facsimile 02 6332 3185

Email Noelene@carterbros.com

TAX INVOICE

Tax Invoice

Bill To:

Bathurst Regional Council
Russell Street
BATHURST NSW 2795

Invoice #: 00000499

Date: 16/11/2010

Your Order #:

Description	Amount	Amount + GST	Job No
Rate overcharges for the periods (financial years) 2004/2005 - 2009/2010 as per expert hydraulic engineers attached report and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base.			
Assessment No. 5631-94020-1 Sewer access charge - overcharge for 11 Adrienne Street Bathurst	\$3,541.40	\$3,541.40	
Water availability charge - overcharge for 11 Adrienne Bathurst	\$3,259.00	\$3,259.00	

Electronic Banking Details
BSB - 062-504
Account - 28019409

Total: \$6,800.40

GST: \$0.00

Terms of Payment: Net 30th after EOM

Total Sale Inc GST: \$6,800.40

Amount Applied: \$0.00

*If you have any queries regarding this
invoice please contact Bronson on (02) 6331
6811*

Balance Due: \$6,800.40

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Carters

Carter Bros Engineering Executive Superannuation Fund

ACN 002 244 411
ABN 45 110 627 229

3 Toronto St
Bathurst NSW 2795
Phone 02 6331 6811
Facsimile 02 6332 3185

Email Noelene@carterbros.com

TAX INVOICE

Tax Invoice

Bill To:

Bathurst Regional Council
Russell Street
BATHURST NSW 2795

Invoice #: 00000500

Date: 16/11/2010

Your Order #:

Description	Amount	Amount + GST	Job No
Rate overcharges for the periods (financial years) 2004/2005 - 2009/2010 as per expert hydraulic engineers attached report and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base.			
Assessment No. 5631-93000-4 Sewer access charge - overcharges for 15 Adrienne Street Bathurst	\$4,066.70	\$4,066.70	
Water availability charge - overcharges for 15 Adrienne Street Bathurst	\$4,259.00	\$4,259.00	

Electronic Banking Details
BSB - 062-504
Account - 28019409

Terms of Payment: Net 30th after EOM

*If you have any queries regarding this
invoice please contact Bronson on (02) 6331
6811*

Total:	\$8,325.70
GST:	\$0.00
Total Sale Inc GST:	\$8,325.70
Amount Applied:	\$0.00
Balance Due:	\$8,325.70

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Carters

Carter Bros Engineering Executive Superannuation Fund

ACN 002 244 411
ABN 45 110 627 229

3 Toronto St
Bathurst NSW 2795
Phone 02 6331 6811
Facsimile 02 6332 3185

Email Noelene@carterbros.com

TAX INVOICE

Tax Invoice

Bill To:

Bathurst Regional Council
Russell Street
BATHURST NSW 2795

Invoice #: 00000501

Date: 16/11/2010

Your Order #:

Description	Amount	Amount + GST	Job No
Rate overcharges for the periods (financial years) 2004/2005 - 2009/2010 as per expert hydraulic engineers attached report and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base.			
Assessment No. 2662-45000-2 Sewer access charge - overcharge for 2 Littlebourne Street Bathurst	\$333.47	\$333.47	
Water availability charge - overcharge for 2 Littlebourne Street Bathurst	\$4,018.00	\$4,018.00	

Electronic Banking Details
BSB - 062-504
Account - 28019409

Terms of Payment: Net 30th after EOM

*If you have any queries regarding this
invoice please contact Bronson on (02) 6331
6811*

Total: \$4,351.47

GST: \$0.00

Total Sale Inc GST: \$4,351.47

Amount Applied: \$0.00

Balance Due: \$4,351.47

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Carters

Carter Bros Engineering Executive Superannuation Fund

ACN 002 244 411
ABN 45 110 627 229

3 Toronto St
Bathurst NSW 2795
Phone 02 6331 6811
Facsimile 02 6332 3185

Email Noelene@carterbros.com

TAX INVOICE

Tax Invoice

Bill To:

Bathurst Regional Council
Russell Street
BATHURST NSW 2795

Invoice #: 00000502

Date: 16/11/2010

Your Order #:

Description	Amount	Amount + GST	Job No
Rate overcharges for the periods (financial years) 2004/2005 - 2009/2010 as per expert hydraulic engineers attached report and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base.			
Assessment No. 2662-44000-3 Sewer access charge - overcharges for 6 Littlebourne Street Bathurst	\$6,592.25	\$6,592.25	
Water availability charge - overcharges for 6 Littlebourne Street Bathurst	\$5,874.00	\$5,874.00	

Electronic Banking Details
BSB - 062-504
Account - 28019409

Total: \$12,466.25

GST: \$0.00

Terms of Payment: Net 30th after EOM

Total Sale Inc GST: \$12,466.25

Amount Applied: \$0.00

If you have any queries regarding this
invoice please contact Bronson on (02) 6331
6811

Balance Due: \$12,466.25

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Carters

Carter Bros Engineering Executive Superannuation Fund

ACN 002 244 411
ABN 45 110 627 229

3 Toronto St
Bathurst NSW 2795
Phone 02 6331 6811
Facsimile 02 6332 3185
Email Noelene@carterbros.com

TAX INVOICE

Tax Invoice

Bill To:

Bathurst Regional Council
Russell Street
BATHURST NSW 2795

Invoice #: 00000503

Date: 16/11/2010

Your Order #:

Description	Amount	Amount + GST	Job No
Rate overcharges for the periods (financial years) 2004/2005 - 2009/2010 as per expert hydraulic engineers attached report and the Local Govt Act 1993 which requires that every rate and charge should be reflective of actual costs and be evenly distributed across the rate base.			
Assessment No. 2662-43000-4			
Sewer access charge - overcharges for 10 Littlebourne Street Bathurst	\$4,019.20	\$4,019.20	
Water availability charge - overcharges for 10 Littlebourne Street Bathurst	\$1,093.00	\$1,093.00	

Electronic Banking Details
BSB - 062-504
Account - 28019409

Terms of Payment: Net 30th after EOM

*If you have any queries regarding this
invoice please contact Bronson on (02) 6331
6811*

Total: \$5,112.20
GST: \$0.00
Total Sale Inc GST: \$5,112.20
Amount Applied: \$0.00
Balance Due: \$5,112.20

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Message

Message Header

From: ray@carterbros.com
To: ian.north@bathurstcc.nsw.gov.au
Subject: Fwd: Sewer Access Charge-overcharge
Delivered: 09/02/2011 09:36 PM
Msg ID: 2304264
Form: memo
Signature: 302d021500bf6df23e58a455dc0f3c6f65b47efce84f03b59502147f41e2a3892c4394b23e

Attachments

[admin.heathce.com.20101125.100543.pdf](#)

Message

Dear Councillor North

I write in regard to the overcharge by Bathurst Regional Council of rates on fourteen (14) of our properties since the Sewer Access Charge was introduced on 1 July 2004.

Council was sent invoices in regard to these overcharges in early Jan 2011. These invoices have been returned to us with a short letter from Council dated 6 January 2011.

These invoices were in accordance with calculations made by our Consulting Hydraulics Engineer and contained in our submission to the 2010 Management Plan. (attached is a summation from our Hydraulics Engineer which you may add to your copy of our submission to the 2010 Management Plan). A repeat of these invoices (which may be reworked by Council in accordance with our rights under Council's own Management Plan) will be sent to Mayor Toole. Council should obtain the most recent method of calculation from the NSW Office of Water and promptly pay these invoices.

Council continually refers to the length of time and the amount of correspondence that has gone on in relation to this matter. The matter will continue until Council's rates comply with the Law.

When "Fair User Pays", Sewer Access Charge was introduced in NSW in July 04, NSW Council's were given Guidelines, relating to the matter by the NSW Govt. which were obviously designed to help Local Council's compliance with the law pertaining to this matter, namely the Local Govt Act 1993.

The Guidelines advised that the Sewer Access Charge to non residential properties should reflect the actual load put on the Sewer System (NOT the load that Council ludicrously includes, being the ridiculous possibility of putting all the water from the fire hose reels into the sewer at the same time, as you approve. And, the charge is required to be comparable with the residential sewer charge.) In other words, compliance with the Guidelines issued, would cause the Sewer Access Charge to comply with the Local Govt Act 1993, which requires all rates and charges reflect "actual costs". Council has repeatedly told me that Council does not have to comply with the Guidelines but you should have enough common sense to know that all rates and charges must comply with the very law that the Guidelines were supplied to guide Council into. Common sense should tell you also that where a property is charged up to and over 1000 times that which applies to an average residence to flush the toilet, that this cannot possibly reflect actual costs to that property (or the load put on the sewer system), nor can it possibly be part of an even distribution.

The Local Govt Act 1993 REQUIRES that all rates and charges be evenly distributed over the rate base, which it is obviously not the case where our properties are concerned.

The Local Govt Act 1993, Code of Conduct, also describes the responsibilities of Councillors in regard to their efforts to come to an understanding of matters on which decisions are made, just as the ICAC Act requires that staff properly inform Councillors on all matters such that proper decisions can be made. This is entirely questionable where

your Council is concerned, where my every effort to have Councillors understand this matter have been, in the end at least, dismissed. The submission we made to Council's 2010 Management Plan was designed to show you courtesy in helping you to understand the matter of the Sewer Access Charge. Regretfully, you have chosen to dismiss that submission and any influence it may have had in assisting Council's existing Sewer Access Charge to comply with the Local Govt Act 1993.

We are advised, that this action could mean that you are culpable in regard to this matter.

We acknowledge that Council has letter(s) from Minister Costa and/or his office, stating that Council may charge for the peak load put on the sewer system; but this does not mean that Council is condoned in making a charge that does not comply with the Local Govt Act 1993.

Minister Costa's department may, in these letters, have reasons to make such incomplete statements; however, previous Minister, Mr David Campbell, accompanied by his advisors, I understand, the same advisors now to Minister Costa, very clearly told Hydraulics Engineer, Mr John Humphrey's, Bathurst Business Chamber representative, Mr Lachlan Sullivan and myself, to charge Council with "mal administration" in regard to this matter, in a meeting we had with him. Nothing the Minister or the Commissioner, NSW Office of Water says in these letters absolves Council of its responsibility to ensure all rates and charges comply with the law, being the Local Govt. Act 1993.

On discussing the latest letters from Minister Costa office with Gerard Martin MP, which were forwarded to me by Council, Mr Martin MP stated that he considered the information contained in them unsatisfactory, especially in the light of his own discussions with Minister Costa's advisors and would be making this known to Minister Costa.

Please be aware that the law in regard to this matter, that is, the Local Govt Act 1993, is immutable. ie.the matter is not up for grabs by anyone.

Personal ignorance of this matter, especially over such a length of time and the material available to you, is hardly plausible or acceptable.

Tacit approval is not a defence and could well lead to culpability, no doubt more so if a wilful act.

The description of corrupt behaviour is sufficiently described in the ICAC Act for your edification and certainly the NSW Code of Conduct for Councillors requires more of a Councillor than to blithely accept advice from staff.

We recommend that you reflect on how you would personally feel about being charged up to some hundreds of times more than your neighbour on a rate, charge or tax. Untenable, no doubt you would say. No doubt you would not wear such a situation; yet, you, yourself, preside over just such a situation, targeting our business and many other businesses in Bathurst. It is reprehensible that Council has so strongly defended a charge that does not comply with the ever-arching law that governs it. As ratepayers in the Bathurst Regional Council area, we request that Council seek highly qualified legal advice in regard to this matter and suggest that we are amenable to discussion to paying the reasonable cost of such advice.

Should you wish to speak to a Council that has implemented the Charge as it was meant to be, please contact Orange City Council.

We look forward to your personal, prompt reply and actions in Council in regard to the Sewer Access Charge as applied by Bathurst Regional Council to our non residential properties within this Council area and prompt processing of the invoices in consultation with our representative who is available for that purpose.

Regards
Ray Carter
M 0407258882

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Click here to report this message as spam:
<https://login.mailguard.com.au/report/1BGb3lgTDi/5tOto8G67r6kDi8wlg59Ku/0.6>

20	360
25	561
32	921
40	1,440
50	2,251
65	3,804
80	5,761
100	9,001
150	20,253
Strata Properties (Each non-residential lot)	360
Assumption School	1,126

4. That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and five cents (\$1.05) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(f) SEWERAGE CHARGES -TRADE WASTE 2011/2012

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 2011.

1. That the Annual Trade Waste Fee for individual businesses be eighty four dollars and thirty cents (\$84.30).
2. That the Annual Trade Waste Fee (Large Discharger) for individual business be five hundred and sixty four dollars and ten cents (\$564.10).

(g) WATER CHARGES 2011/2012 – 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 2011.

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 2011/2012 \$
20	130
25	203
32	333
40	520
50	813
65	1,374
80	2,081
100	3,251
150	7,316
Hillview Water Supply	130

2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and thirty dollars (\$130.00).
3. That the annual water availability charge for vacant unconnected land be one hundred and thirty dollars (\$130.00).

7	Business Ceramic Avenue	\$347.00		
8	Business Eglinton Non-Urban	\$347.00		
9	Business Orton Park	\$347.00		
10	Business Stewarts Mount	\$347.00		
11	Business Electricity Sub - Evans Plains	\$347.00		
12	Mining		\$221.00	47

- (b) **DOMESTIC WASTE MANAGEMENT CHARGES FOR 2011/2012-** 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 2011 being two hundred and thirteen dollars (\$213.00) 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 2011 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 forty seven dollars (\$147.00) per mobile bin and for each additional fortnightly recycling collection service of sixty six dollars (\$66.00) per mobile bin be made by the Council.
- (c) **WASTE MANAGEMENT SERVICE CHARGES FOR 2011/2012 (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 forty seven dollars (\$147.00) per mobile bin and the fortnightly collection of material for recycling being sixty six dollars (\$66.00) per mobile bin for the twelve months commencing 1 July 2011 be made by the Council.
- (d) **WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2011/2012 –** 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 2011 being sixty five dollars (\$65.00) be made by the Council.
- (e) **SEWERAGE CHARGES FOR 2011/2012 –** 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 2011.
1. That the annual charge for single residential (including residential strata) and un-metered properties be four hundred and nineteen dollars and zero cents (\$419.00).
 2. That the annual charge for vacant land be two hundred and twenty two dollars and zero cents (\$222.00).
 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 2011/2012 \$

available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2011 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 forty seven dollars (\$147.00) per mobile bin and for each additional fortnightly recycling collection service of sixty six dollars (\$66.00) per mobile bin be made by the Council.

(c) **WASTE MANAGEMENT SERVICE CHARGES FOR 2011/2012 (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 forty seven dollars (\$147.00) per mobile bin and the fortnightly collection of material for recycling being sixty six dollars (\$66.00) per mobile bin for the twelve months commencing 1 July 2011 be made by the Council.

(d) **WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2011/2012** – 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 2011 being sixty five dollars (\$65.00) be made by the Council.

(e) **SEWERAGE CHARGES FOR 2011/2012** – 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 2011.

1. That the annual charge for single residential (including residential strata) and un-metered properties be four hundred and nineteen dollars and zero cents (\$419.00).
2. That the annual charge for vacant land be two hundred and twenty two dollars and zero cents (\$222.00).
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 2011/2012 \$
20	360
25	561
32	921
40	1,440
50	2,251
65	3,804
80	5,761
100	9,001
150	20,253
Strata Properties (Each non-residential lot)	360
Assumption School	1,126

4. That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and five cents (\$1.05) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(f) SEWERAGE CHARGES -TRADE WASTE 2011/2012

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 2011.

1. That the Annual Trade Waste Fee for individual businesses be eighty four dollars and thirty cents (\$84.30).
2. That the Annual Trade Waste Fee (Large Discharger) for individual business be five hundred and sixty four dollars and ten cents (\$564.10).

(g) WATER CHARGES 2011/2012 – 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 2011.

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 2011/2012 \$
20	130
25	203
32	333
40	520
50	813
65	1,374
80	2,081
100	3,251
150	7,316
Hillview Water Supply	130

2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and thirty dollars (\$130.00).
3. That the annual water availability charge for vacant unconnected land be one hundred and thirty dollars (\$130.00).
4. That the annual water availability charge for unmetered properties be five hundred and nine dollars and fifty cents (\$509.50).
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 thirty dollars (\$130.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

Type	Consumption	Tariff per kilolitre for 2011/2012
Hillview Estate Water Supply	First 250 kl	\$1.52
	> 250 kl	\$3.20
Residential Filtered	First 250 kl	\$1.32
	> 250 kl	\$1.98

----- Forwarded by Paul Toole/BathurstCC on 10/02/2011 07:49 AM -----

Ray Carter <ray@carterbros.com>
09/02/2011 09:45 PM

To
paul.toole@bathurst.nsw.gov.au, gerard.martin@parliament.nsw.gov.au
cc

Subject
Fwd: Sewer Access Charge-overcharge

Dear Councillor / Mayor Toole
cc Gerard Martin.

I write in regard to the overcharge by Bathurst Regional Council of rates on fourteen (14) of our properties since the Sewer Access Charge was introduced on 1 July 2004.

Council was sent invoices in regard to these overcharges in early Jan 2011. These invoices have been returned to us with a short letter from Council dated 6 January 2011. I do not believe Council had the right to summarily return these invoices.

These invoices were in accordance with calculations made by our Consulting Hydraulics Engineer and contained in our submission to the 2010 Management Plan. (attached is a summation from our Hydraulics Engineer which you may add to your copy of our submission to the 2010 Management Plan). A repeat of these invoices (which may be reworked by Council in accordance with our rights under Council's own Management Plan) will be sent to you in due course. Council should obtain the most recent method of calculation from the NSW Office of Water and promptly pay these invoices.

Council continually refers to the length of time and the amount of correspondence that has gone on in relation to this matter. The matter will continue until Council's rates comply with the Law.

When "Fair User Pays", Sewer Access Charge was introduced in NSW in July 04, NSW Council's were given Guidelines, relating to the matter by the NSW Govt. which were obviously designed to help Local Council's compliance with the law pertaining to this matter, namely the Local Govt Act 1993.

The Guidelines advised that the Sewer Access Charge to non residential properties should reflect the actual load put on the Sewer System (NOT the load that Council ludicrously includes, being the ridiculous possibility of putting all the water from the fire hose reels into the sewer at the same time, as you approve. And, the charge is required to be comparable with the residential sewer charge.) In other words, compliance with the Guidelines issued, would cause the Sewer Access Charge to comply with the Local Govt Act 1993, which requires all rates and charges reflect "actual costs". Council has repeatedly told me that Council does not have to comply with the Guidelines but you should have enough common sense to know that all rates and charges must comply with the very law that the Guidelines were supplied to guide Council into. Common sense should tell you also that where a property is charged up to and over 1000 times that which applies to an average residence to flush the toilet, that this cannot possibly reflect actual costs to that property (or the load put on the sewer system), nor can it possibly be part of an even distribution.

The Local Govt Act 1993 REQUIRES that all rates and charges be evenly distributed over the rate base, which it is obviously not the case where our properties are concerned.

The Local Govt Act 1993, Code of Conduct, also describes the

Message

Message Header

From: david sherley/bathurstcc@bathurstcc
To: bob roach/bathurstcc@bathurstcc, maryann oshea/bathurstcc@bathurstcc
Subject: Ray Carter: Sewer Access Charge-overcharge
Delivered: 14/02/2011 11:06 AM
Msg ID: 2312905
Form: memo
Signature: 302d02144b3b2a271e50d2b719af27b8669b81d9eb995e9a021500aa1389996d0a412a

Attachments [admin heathce com 20101125 100543.pdf](#)

Message Maryann

Please show Bob. I am getting a number of Cllrs querying this.

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

----- Forwarded by David Sherley/BathurstCC on 14/02/2011 11:06 AM -----

Paul Toole/BathurstCC
10/02/2011 07:49 AM

To
David Sherley/BathurstCC@BathurstCC
cc

Subject
Fw: Sewer Access Charge-overcharge

Looks like all Councillors received a copy!!!!!!!

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

Councillor
Bathurst Regional Council