

supplying a water service (building use) and a fire service. We permitted a hydraulic consultant to assess the size of the water service in the absence of fire demand and we would accept this for payment. In practice many of these had combination meters and the smaller meter size in the combination meter was often adopted without the study. Then combination meters started to disappear, being replaced with newer meters that could register the whole range of flows. The hydraulic study became more important.

However, the idea of a combined connection is nonsense, under the code its either a fire service or it isn't. Under our new policy there are only water services and fire services. We now require separate water and fire services to new properties. We no longer recognise combined services. The old existing combined services are now considered water services, and no longer exempt from access charges. Hope this helps.

Follow up telephone call to Orange indicated they are generally the same as Bathurst, and charge for the size of the meter present (even if it has capacity for fire protection), however they do allow some bypass meters to be installed in newer areas, which effectively allows the owner to obtain a lower access charge for water and sewer. They have not provided any written response, and neither has Lithgow.

Council has set water and sewer charges in accordance with the State Government guidelines. Other Councils have allowed the option of using a nominal meter size, which would reduce both the water and sewer access charge, however, the whole rationale behind going to the current system from the land value rates system was to eliminate the cross subsidy from residential to business. The nominal meter approach reintroduces this as the drop in business income would need to be made up from residential.

Also, there are two components to both water and sewer charges, being access (which is to reflect the load that CAN be placed on the system - which is how the systems were design, built, operated and maintained), and consumption (which charges for ACTUAL usage).

The actual resolution of Council from July 2004 is (bold done by me):

Minute - Ordinary Meeting of Bathurst Regional Council - 21/07/2004

45 Item 10 **USER PAYS BEST PRACTICE SEWER CHARGES (26.00010)**
 MOVED:AdministratorK Knowles

RESOLVED: That Council:

- (a) Engineering Staff be made available to provide on-site preliminary assessment and consultation;
- (b) That Finance Staff be made available to explain the principles of best-practice pricing;
- (c) That Council provides a Hydraulic Engineer in the first year of best-practice sewer pricing to assess requests for downsizing and rationalizing of meters;
- (d) That the cost of downsizing or removing meters be met by Council;
- (e) That nominal sizing of meters is not used for calculating access charges due to the common practice of using fire hose reels;
- (f) That no community service obligation be provided for non-rateable properties as most of these are state government bodies (e.g. schools, hospitals) and by doing so it will re-introduce cross-subsidies that will result in Council not meeting the Best Practice Guidelines;
- (g) That if it is determined by the Chief Financial Officer that the increase in sewer prices (including trade waste fees) is substantial and would create financial pressures, an agreement may be entered into to introduce the charges over a three year period. This will be done by individual application.
- (h) carry out a review of Sewerage Discharge Factors. This review will be carried out on request by Council's Engineering Department provided that sufficient information is given to warrant that review. In the first year of

Message

Message Header

From: doug patterson/bathurstcc@bathurstcc
To: david sherley/bathurstcc@bathurstcc
Cc: bob roach/bathurstcc@bathurstcc
Subject: Fw: Cr Thompson Re: Water & Ray Carter concerns
Delivered: 03/03/2011 04:41 PM
Msg ID: 2362053
Form: memo
Signature: 302c0214674869cdf206e8e02c66504e76d83fed8c130123021439005824a1c040a60ae

Message

Dave

Here is the information that Russell has received from [redacted] and Orange.

This may not necessarily be exactly what was expected but none the less as advised.

Doug Patterson
Director Engineering Services
Bathurst Regional Council
158 Russell Street Bathurst 2795
Phone: 02 6333 6232
Fax: 02 6333 6115
Mobile: 0418 861 678
www.bathurst.nsw.gov.au

----- Forwarded by Doug Patterson/BathurstCC on 03/03/2011 04:41 PM -----

Russell Deans/BathurstCC
02/03/2011 11:38 AM

To
doug.patterson@bathurst.nsw.gov.au
cc

Subject
Fw: Cr Thompson Re: Water & Ray Carter concerns

Hi Doug,

The Mayor asked me to get confirmation in writing that Orange, [redacted] & Lithgow charged their non-residential customers exactly the same as Bathurst.

Nick wrote to those three, and only [redacted] has responded:

A while ago we recommended to Council that we get rid of the exemption from access charges of the fire services. . Our report pointed out that it was the fire demands that drove the size of the water reticulation, much more than the residential services and it was entirely reasonable that industrial commercial customers pay access charges on these services. They decided to retain the current exemption. This is what is driving these requests, and why Council must distinguish between fire services and water services.

In the recent past we accepted combined connections, that is a connection

19/02/2011 05:37 AM

To
<david.sherley@bathurst.nsw.gov.au>
cc

Subject
Water

DS...we did not discuss the Ray Carter matter last Wednesday as expected. Will leave it with you to arrange a discussion, or would you prefer me to take it up with the FC individually? I get the feeling a number of the Crs are concerned to discuss the matter some more, so probably a better idea to workshop it...Regards Ross

best-practice sewer pricing any adjustment will be effective from 1 July 2004.
Reviews requested in following years that result in an adjustment from the date of receipt of the initial request.

Would you please discuss this with DCS&F and the GM & Mayor as appropriate, and advise me if you require anything further to be done with this matter.

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 02/03/2011 10:54 AM -----

David Sherley/BathurstCC

21/02/2011 10:21 AM

To
"W & D Thompson" <rossthompson@bluemaxx.com.au>
cc
David Sherley <david.sherley@bathurst.nsw.gov.au>, Maryann
Oshea/BathurstCC@BathurstCC, Bob Roach/BathurstCC@BathurstCC, Doug
Patterson/BathurstCC@BathurstCC, Russell Deans/BathurstCC@BathurstCC
Subject
Cr Thompson Re: Water & Ray Carter concernsLink

Ross

I spoke to Bob, he will collate response & put it into budget papers for development of management plan. Also I think it would be worth you giving him a call. He is away on wednesday & so will not be there wednesday night.

I know mayor has been speaking to engineers on this as well, they are collating some data as well.

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

"W & D Thompson" <rossthompson@bluemaxx.com.au>

8H

Message

Message Header

From: info@millahmurrah.com
To: david.sherley@bathurstcc.nsw.gov.au
Cc: paul.toole@bathurstcc.nsw.gov.au
Subject: FW: Sewer Access Charge-overcharge
Delivered: 10/02/2011 06:46 AM
Msg ID: 2304571
Form: memo
Signature: 302c02145e83cb656cffccaa551896931e734c045a8a848302143b0f7727eadaaced192t

Attachments

admin_heathce_com_20101125_100543.pdf

Message

Dave, some pretty serious threats below. I better come in and sit with you to equip myself with a response. In the mean time your comments would be welcome on email...RT

-----Original Message-----

From: Ray Carter [mailto:ray@carterbros.com]
Sent: Wednesday, 9 February 2011 9:38 PM
To: ross.thompson@bathurst.nsw.gov.au
Subject: Fwd: Sewer Access Charge-overcharge

Dear Councillor Thompson

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

Ross

I spoke to Bob, he will collate response & put it into budget papers for development of management plan. Also I think it would be worth you giving him a call. He is away on wednesday & so will not be there wednesday night.

I know mayor has been speaking to engineers on this as well, they are collating some data as well.

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

"W & D Thompson" <rossthompson@bluemaxx.com.au>

19/02/2011 05:37 AM

To
<david.sherley@bathurst.nsw.gov.au>
cc

Subject
Water

DS...we did not discuss the Ray Carter matter last Wednesday as expected. Will leave it with you to arrange a discussion, or would you prefer me to take it up with the FC individually? I get the feeling a number of the Crs are concerned to discuss the matter some more, so probably a better idea to workshop it...Regards Ross

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BLANK

BLANK

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19/11/18

This e-mail, together with any attachments, is for the exclusive and confidential use of the addressee(s). Any other distribution, use of, or reproduction without prior written consent is strictly prohibited. Views expressed in this e-mail are those of the individual, except where specifically stated otherwise. I does not warrant or guarantee this message to be free of errors, interference or viruses.

The content of this e-mail message has been scanned and cleared by:
MailMarshal

19/11/18

19/11/18

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Also, there are two components to both water and sewer charges, being access (which is to reflect the load that CAN be placed on the system - which is how the systems were design, built, operated and maintained), and consumption (which charges for ACTUAL usage).

The actual resolution of Council from July 2004 is (bold done by me):

Minute - Ordinary Meeting of Bathurst Regional Council - 21/07/2004

45 Item 10 USER PAYS BEST PRACTICE SEWER CHARGES (26.00010)
MOVED:AdministratorK Knowles

RESOLVED: That Council:

- (a) Engineering Staff be made available to provide on-site preliminary assessment and consultation;
- (b) That Finance Staff be made available to explain the principles of best-practice pricing;
- (c) That Council provides a Hydraulic Engineer in the first year of best-practice sewer pricing to assess requests for downsizing and rationalizing of meters;
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- (h) carry out a review of Sewerage Discharge Factors. This review will be carried out on request by Council's Engineering Department provided that sufficient information is given to warrant that review. In the first year of best-practice sewer pricing any adjustment will be effective from 1 July 2004. Reviews requested in following years that result in an adjustment from the date of receipt of the initial request.

Would you please discuss this with DCS&F and the GM & Mayor as appropriate, and advise me if you require anything further to be done with this matter.

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 02/03/2011 10:54 AM -----

David Sherley/BathurstCC

21/02/2011 10:21 AM

To
"W & D Thompson" <rossthompson@bluemaxx.com.au>
cc

David Sherley <david.sherley@bathurst.nsw.gov.au>, Maryann
Oshea/BathurstCC@BathurstCC, Bob Roach/BathurstCC@BathurstCC, Doug
Patterson/BathurstCC@BathurstCC, Russell Deans/BathurstCC@BathurstCC
Subject
Cr Thompson Re: Water & Ray Carter concernsLink

Ross

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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

"W & D Thompson" <rossthompson@bluemaxx.com.au>

19/02/2011 05:37 AM

To
<david.sherley@bathurst.nsw.gov.au>
cc

Subject
Water

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with the FC individually? I get the feeling a number of the Crs are concerned
to discuss the matter some more, so probably a better idea to workshop
it...Regards Ross

Message

Message Header

From: havannah@bigpond.net.au
To: david.sherley/bathurstcc@bathurstcc, paul.toole/bathurstcc@bathurstcc, bobby.bourke/north/bathurstcc@bathurstcc, warren.aubin/bathurstcc@bathurstcc, monica.morse/bathwestman/bathurstcc@bathurstcc, graeme.hanger/bathurstcc@bathurstcc
Subject: FW: Sewer Access Charge
Delivered: 25/03/2011 09:45 AM
Msg ID: 2416920
Form: memo
Signature: 302d0214008129b3cee955e41ba51e9c93802ba11933eec6021500acd622dfd7e321f0e

Attachments

[img_0003.jpg](#)

Message

Dear Dave,
Can we please get advise on this submission very soon.
Thank you
Tracey
Tracey Carpenter
Councillor
Bathurst Regional Council
Phone: 02 6331 8305
Mobile: 0408 228946
havannah@bigpond.net.au

-----Original Message-----

From: Ray Carter [mailto:ray@carterbros.com]
Sent: Wednesday, 23 March 2011 9:58 PM
To: paul.toole@bathurst.nsw.gov.au; gerard.martin@parliament.nsw.gov.au; LOP@parliament.nsw.gov.au; ian.north@bathurst.nsw.gov.au; monica.morse@bathurst.nsw.gov.au; warren.aubin@bathurst.nsw.gov.au; bobby.bourke@bathurst.nsw.gov.au; tracey.carpenter@bathurst.nsw.gov.au; graeme.hanger@bathurst.nsw.gov.au; ross.thompson@bathurst.nsw.gov.au; greg.westman@bathurst.nsw.gov.au
Subject: Sewer Access Charge

Mayor Paul Toole
Bathurst Regional Council
cc BRC Councillors
Gerard Martin MP
LOP Barry O'Farrell MP

Dear Mayor Toole

This email is a follow up on the email sent to you and your fellow Councillors on the 9/2/2011 to which neither you or any of your fellow Councillors has replied.(except for one acknowledgement)

In the early days of my complaining to Council about the unfairness of charging my Companies excessively for the Sewer Access Charge, I referred many times to the Guidelines that were issued on the matter by the State Government. Council told me on many occasions that the Guidelines did not have to be followed (of course if they had been, my complaining would have ceased years ago or never begun, as the fairness issue is adequately adressed in that original 2004 and the 2007 updated document)Your Council told me that it was entitled to make the charge in the manner it has.

This is demonstrably false, as under Section 409 of the Local Government Act 1993 the Minister administering that Act together with the Minister for Water and Energy has always had the right to instruct Council to comply with the Guidelines. My enquiries through Gerard Martin MP have revealed that such instruction was indeed issued to Council. This leaves

you and your Council, in a position of responsibility for the non compliance. I have no doubt you are complicit, seeing that you have experts in these matters at your service.

However this does not surprise me as I did speak to one Councillor about the matter in some depth about two years ago as you know because I made the following known to you at the time. At the end of the conversation that Councillor simply responded by asking first "How long have you been in business?" When I responded that I had been in business in Bathurst some thirty three years, I was then asked "How honest have you been in that time?" I guess that just about sums up the treatment that I have received from the Council that you lead.

Not only have I been in business in Bathurst some thirty three years, my 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, in 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 surprise 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 an 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 lawful 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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www.bathurst.nsw.gov.au

----- Forwarded by David Sherley/BathurstCC on 30/03/2011 07:30 AM -----

"W & D Thompson" <rossthompson@bluemaxx.com.au>

30/03/2011 07:17 AM

To
<david.sherley@bathurst.nsw.gov.au>
cc
"Paul Toole" <paul.toole@bathurst.nsw.gov.au>
Subject
Water Charges

Dave, I understand Bob is addressing Ray Carter's email with us tonight. I have attached a copy of it here, just in case you have misplaced it, as I think it would be sensible to have a copy of it in front of each Cr, so we can work through what he claims systematically. This is one of the most difficult issues to grasp since I have been on Council. It seems to me, every time we address it, we Crs get one story from Ray and one from Bob, but to date we haven't actually dissected together what Ray is saying in a systematic fashion...ie go through his claims slowly point by point. If as a group we work through his email and address each thing he says, it will make it a lot easier for us to weigh up the pros and cons...I expect to do this properly may take a fair while, so maybe it would be wise to make it a separate WP for another night soon?? In an annoying mood today aren't !!!!!

Regards Ross - Ray Carter 8 Feb 2011.doc

Message

Message Header

From: david sherley/bathurstcc@bathurstcc
To: russell deans/bathurstcc@bathurstcc, doug patterson/bathurstcc@bathurstcc
Cc: bob roach/bathurstcc@bathurstcc, maryann oshea/bathurstcc@bathurstcc
Subject: Wkg Party 30.03.2011 : Cr Thompson Re Ray Carter & Sewer Charges
Delivered: 30/03/2011 07:37 AM
Msg ID: 2427837
Form: memo
Signature: 302c021464969fdf09a258861e3f96ef40b64fd21afd7a820214554b3f155e464c4a16bdfc

Attachments

ray carter 8 feb 2011.doc

Message

Russell & Doug

Can you make sure that you have worked with Bob & have comments where appropriate please. This will be raised at tonights Wkg Party

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 30/03/2011 07:37 AM -----

David Sherley/BathurstCC
30/03/2011 07:36 AM

To
Bob Roach/BathurstCC@BathurstCC, Maryann Oshea/BathurstCC@BathurstCC
cc
David Sherley <david.sherley@bathurst.nsw.gov.au>, mayor/BathurstCC@BathurstCC
Subject
Cr Thompson Re Ray Carter & Sewer Charges

Maryann

Can you make sure Bob Sees this & is ready for tonight, I have printed copies for CILrs

David Sherley
General Manager
Bathurst Regional Council
158 Russell Street Bathurst 2795
Phone: 02 6333 6201
Fax: 02 6331 7211

98

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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- admin_heathce_com_20101125_100543.pdf

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Message

Message Header

From: rossthompson@bluemaxx.com.au
To: david sherley/bathurstcc@bathurstcc, bob roach/bathurstcc@bathurstcc
Subject: Specifics of Sewerage review request
Delivered: 19/06/2011 07:12 AM
Msg ID: 2631115
Form: memo
Signature: 302d021500a922ba23b5eeb8bff7b8167a7d21f03b5cb856f5021409d31724d82d6967ae

Message

Bob/Dave, Can you please arrange for me to get copies of:

Water and Sewer Rate notices for all 14(?) of Ray Carter's Non Residential properties

If the notices don't clearly show the connection sizes upon which the sewer charges are rated, could I get a copy of the connection size that is used for the SDF calculation for each property.

If the rate notices do not show the break down of access vs usage charges, can I have that info supplied for each property please.

In terms of modeling Non residential Sewerage rating as I have flagged, ASSUMING THE LEGISLATION ALLOWS US TO DO IT (and please pull me up right away if I am missing something and it does not), what I would like is presentation of various fixed vs usage scenarios, the most important one being:

Reducing Sewer Access Charges for Non res rate payers by 2/3 or thereabouts

What would the sewer usage charge for Non res rate payers have to have been in 2011/12 under this scenario?

What effect would this have on each individual non res rate notice?

We then need to:

Tabulate the alteration to the costs for all 1000+ non res rate payers with a before and after scenario based on their 2010/11 ANNUAL usage
Summarize it with the number of people better off & the number of people worse off
Examine the worst case scenarios & best case scenarios
Examine the scenario for each of Carter's properties
and consider the nett scenario for him across his 14 properties...

This is the right time of financial year to be considering this stuff. I have a

feeling that the net effect for Carter may be near enough to \$0 over his 14 properties, but I also do not think we can make a considered judgment on our ratio of access to usage charges without all this modeling being carried out. As I say if I am off the beam with these requests, do not hesitate to set me straight. It is a lot of work I am asking to be done. If it is a sound request, please let me know an anticipate time frame for getting this info. No doubt you have already done all this stuff at some stage, so I hope it won't be too hard to put a report together...Regards Ross

Message

Message Header

From: wwtangus@lisp.com.au
To: david.sherley@bathurstcc@bathurstcc
Subject: FW: 2011 Management Plan submission
Delivered: 03/07/2011 08:06 PM
Msg ID: 2670530
Form: memo
Signature: 302c02144c0650b0d3c222cffb11298d85bff52ac20808c7021453f0366061af4f8a92fce6:

Message

Dave below is FYI. I rang him yesterday and gave him a bit of a spray...(you will know the style...ala 4am when I 1st got on BRC!!! I was just so cranky...for Pete's sake, I am trying to assist the bloke! Yes yes I know what u are thinking!). You will note I did not email my verbal!!! Anyway he was going on about the minutes and I said this was a matter to take up with the GM, but I suspected there was in fact no compulsion to record anything other than the resolution. I would be interested in your response to his last email...RT

-----Original Message-----

From: Ray Carter [mailto:ray@carterproperties.com.au]
Sent: Friday, 1 July 2011 2:59 PM
To: Ross Thompson
Subject: Re: 2011 Management Plan submission

Thanks again Ross

As expected the LG Act CI's 375 and 705 together with CI 254 from the LG (general) Regulations are very specific about the minutes of Council meetings especially items upon which decisions have been made

Have a good trip
Ray

Sent from my iPhone

On 01/07/2011, at 12:20, "Ross Thompson" <wwtangus@lisp.com.au> wrote:

> Ray I am available by phone for the next 20 minutes. Please ring
> me...Regards Ross
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> Sent: Friday, 1 July 2011 10:35 AM
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>>> Sent: Tuesday, 7 June 2011 8:20 AM
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Message

Message Header

From: david.sherley@bathurstcc@bathurstcc
To: wwtangus@lisp.com.au
Cc: sherley.david@bathurst.nsw.gov.au
Bcc: brian.dwyer@bathurstcc@bathurstcc, bob.roach@bathurstcc@bathurstcc, mayor@bathurstcc
Subject: Cr Thompson - Ray Carter Re: FW: 2011 Mget Plan sub. & minutes recording
Delivered: 04/07/2011 11:23 AM
Msg ID: 2672255
Form: reply
Signature: 302d021500b5e63708ffd9f17c674b0f3e3ebb25e48bfd64c502142aceb7f7839d29db31b

Message

Ross

Section 375 of the Local Government Act states;

375 Minutes

- (1) The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the council.
- (2) The minutes must, when they have been confirmed at a subsequent meeting of the council, be signed by the person presiding at that subsequent meeting.

also,

Clause 254 of the LG General Regulation states;

254 Matters to be included in minutes of council meeting

The general manager must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment is passed or lost.

Note. Section 375 (1) of the Act requires a council to ensure that full and accurate minutes are kept of the proceedings of a meeting of the council (other provisions of this Regulation and of the Act require particular matters to be recorded in a council's minutes).

The minutes record the resolution that was moved on the night and are in accordance with statutory obligations, contrary to any inference otherwise.. The letter elaborates on some of the discussion to help put the resolution into perspective.

Minute

Meeting type: ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
Meeting Number: 1
MeetingDate: 15/06/2011
Minute Section: RECEIVE AND DEAL WITH DIRECTORS' REPORTS Section Number 9
Minute Status: Released
Minute Security: Standard

SubSection: Director Corporate Services & Finance's Report SubSection Number: 5
Created By: Maryann Oshea/BathurstCC Division Required:

Subject: SUBMISSIONS - DRAFT 2011/2012 MANAGEMENT PLAN
Item Number: 5

File Number: (16.00126)
Minute Number: 23

Moved By: R Thompson Seconded By: I North

Resolution: (c) Mr Ray Carter

RESOLVED: That Council not amend its Management Plan for 2011/2012 in respect of the submission received from Mr Ray Carter

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

"Ross Thompson" <wwtangus@lisp.com.au>
02/07/2011 08:10 AM

To
<david.sherley@bathurst.nsw.gov.au>
cc

Subject
FW: 2011 Management Plan submission

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98

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From: wwtangus@lisp.com.au
To: david.sherley@bathurstcc.nsw.gov.au
Subject: FW: 2011 Management Plan submission
Delivered: 21/07/2011 11:52 AM
Msg ID: 2716900
Form: memo
Signature: 302c021434f992572270292171c9cad3d28370ffe8c521021471c83327188731fef288f

Message

Dave, FYI. I just rang and left a message that Ray should ring me and that I find what he says pretty cryptic etc etc. It seems that Ray just interprets things as suits. All I ever said to him was that I am happy that BRC's Sewerage policy for the past 7 years complies and that I have requested a review of our charges wrt connection vs usage charges (which is timely given it is 7 years since the State Government introduced the new pricing systems) and that this will be forthcoming in the next few months. At the end of the day I am just trying to help him, so why he comes up with this sort of thing out of nowhere I have no idea. Ross

-----Original Message-----

From: Ray Carter [mailto:ray@carterproperties.com.au]
Sent: Thursday, 21 July 2011 11:24 AM
To: Ross Thompson; Westpoint Newsagency
Subject: Re: 2011 Management Plan submission

hello Ross

during our last conversation I took it that you believe there remains politics involved in Council's current and last seven years of dealing with the Sewer Access Charge matter.

I would like to respectfully point out to you that politics is the debate and activity that takes place the formulation of governing policy and law, which, in this country is at three levels ; Federal, State and Local.

The Sewer Access Charge is subject to existing NSW Govt law and Regulations as well as a Council Management Plan policy which has been accepted by the State Government which is ultimately responsible for local government.

Therefore the politicking is over and the matter is subject to existing law, regulation and policy and if those are bent to suit a government body it is something other than politics or even proper administration. What it is and who is knowlegably responsible no doubt would have to be determined by lawfull process. I have no doubt that when push comes to shove, staff merely do the bidding of elected Councillors and would claim and have back up for claim to have always done.

regards

Ray Carter

----- Original Message -----

Subject: Re: 2011 Management Plan submission
Date: Fri, 1 Jul 2011 14:58:35 +1000
From: Ray Carter <ray@carterproperties.com.au>
To: Ross Thompson <wwtangus@lisp.com.au>

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