

E10/1130

The following is an index associated with the information on the history of the Sewer Access Charge since 2002 as implemented by Bathurst Regional Council.

On the pages noted are items that back our claims of corrupt conduct in regard to this matter.

The numbering for this index is at the bottom right hand corner.

2007

Page 1. Council has to be reminded to reimburse Sewer Access Charges as promised. Council will do anything to frustrate us and cause us financial hardship.

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

Page 3. Just how much information would be sufficient for BRC

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

Page 17. The charter "to provide adequate, equitable and appropriate services"

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 have regard to "long term and cumulative effects"

to have regard to the long term and cumulative effects of its decisions

- To raise funds “by the fair imposition of rates, charges and fees

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 regulate “consistently and without bias”

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

Page 23. Councils charge continues unchanged since 2004

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

Page 25. Council relies on Govt agreement that use of hose reels causes load on the sewer. (A furphy recognized by the DEUS Director General who was obviously at odds with the Minister but was silenced by Minister) Why did the D G of Deus (really) resign only two years into his contract. In parliamentary minutes it is stated as “private reasons”. We must obtain correspondence between the DG and the Minister.

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

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

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

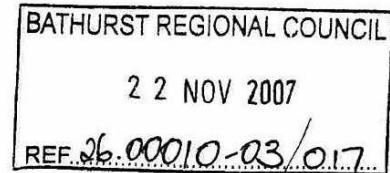


Bob Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

Page 27. A direct question as to assessing the load put on the Sewer. Council obviously do not want to answer this question because it would expose the fact, that fire hose reels would never in practice or reality put a load on the sewer system

23/11/2007

Mr David Sherley
Bathurst Regional Council
cc Mayor Paul Toole



Dear Sirs,

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

regards

Ray Carter

Record of meeting held at Bathurst Regional Council chambers 3pm 15/08/2007

Present Mayor Norm Mann (NM)

General Manager David Sherley (DS)

Ray Carter (RC)

Topic of discussion

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

In the meeting

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

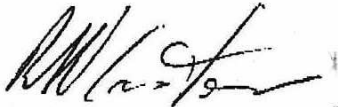
RC indicated that there was confusion on the two issues indeed in Councils letter dated 10 April 2007 which refers to Section h) being a clause dealing only with the SDF in a Council letter dated 5th November 2004. RC pointed out that this is identified in Carters letter dated 30/07/2007.

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

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

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

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



Ray Carter
Fax 63322576
0407258882

Page 37. BRC concede and will honor their commitment. Mayor Mann agrees to this after Paul Toole took the Mayoral position. No doubt Mayor Mann knew it was wrong and Senior staff did not know the position of the new incoming Mayor. New Mayor Paul Toole at first agreed with me that the matter needed attention. However in the end the possibility of having to increase the residential water rate should the Sewer Access Charge be made to reflect the load on the sewer for non residential ratepayers he soon realized no doubt the political implications of such a move just as his predecessors had been.

That realization has translated into intransience now in the NSW Government in which he is a member , having received an enormous portion of the primary vote.

Herein lies the almost impossibility of getting our message of the unfairness of this matter recognized.

Dear Mr Carter

Sewer Charges

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

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

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

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

Yours faithfully

R Roach 
DIRECTOR
CORPORATE SERVICES & FINANCE

Page 47. BRC try to renege on their commitment

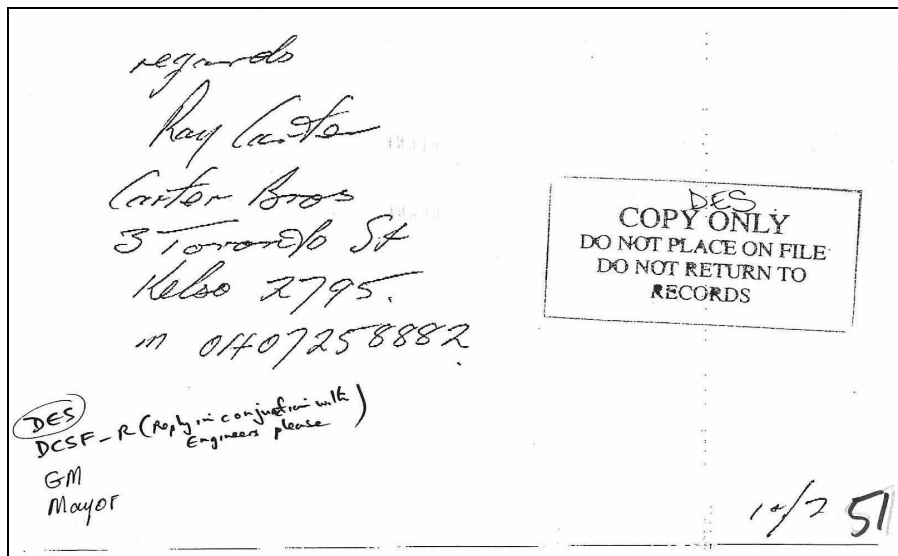
You will note that in the correspondence in which we requested that the downsizing of eight of our meters be carried out, we requested that it be done in accordance with your correspondence.
In accordance with your correspondence we are due this rebate backdated to 1 July 2004.

Page 49. The ET method found by us in Council's own adopted policy. It is BRC's adopted policy but has never been made known to non-residential ratepayers. Though BRC General Manager said it must be a "Public Document" if I had found it; it is still not found in BRC's Public Document pages.

This provision is the crux of the matter and having view to the copious amount of correspondence on the issue, we have no doubt deliberately hidden.

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

Page 51. BRC adopted policy



regards
Ray Carter
Carter Bros
3 Toronto St
Kelso 2795.
M 01407258882

DES
COPY ONLY
DO NOT PLACE ON FILE
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RECORDS

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

GM
Mayor

10/2 51

Page 59. BRC avoids answering Carters question P29. In this draft letter it is obvious that the Engineering Director Doug Patterson is of the belief that we are being charged the way that we have because we have not availed ourselves of the provision to have an engineer assess the load put on the sewer in Equivalent tenements. He was obviously unaware that this option was never properly made known to us, advertised properly and indeed, was latter actually denied to us. It is plausible that the Engineering Director has put this unsent letter into Council records in order to record his position, which is contrary to the Financial Directors and the General Managers position.

I once brought this matter up with the Planning Director, Mr David Shaw hoping for support, only to be told that "If Bob Roach says it is correct, then it is". He understood the matter implicitly, I have no doubt from that conversation.

I also brought this matter up with Development Director, Mr. Paul Heath, who was very sympathetic on the issue and said that (as this matter was clearly affecting areas of his responsibility) he would take the matter up with the General Manager. Mr. Heath was dismissed from his contract for reasons confidential to Senior persons at Council shortly afterwards so I never did get to hear back from him. He should be contacted on this matter.

Mr Ray Carter
Carter Bros
3 Toronto Street
KELSO NSW 2795

Dear Mr Carter

Sewer Discharge

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

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

I anticipate that this answers your enquiry.

Yours faithfully

Doug Patterson
DIRECTOR
ENGINEERING SERVICES