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Subject:Bathurst Regional Council Sewer Access Charge

Date:Wed, 29 Feb 2012 13:14:50 +1100

From:Ray Carter <ray@carterproperties.com.au>

To:dlg@dlg.nsw.gov.au, Andrew Bird <Andrew@birdlegal.com.au>, Roger Heath <roger@heathce.com>

Helen Pearce
Compliance Division
NSW Dept of Local Government
w 0244284131
29/2/2012

Hello Helen

Thank you for your phone message contact, transcribed below by my wife. I am fully aware that Councils in NSW have the right to formulate policy and Bathurst Regional Council indeed has a policy that is supposed to govern its application of the Sewer Access Charge. That policy can be found in Council's Management Plan and on my website which collates the history of this matter for your convenience, at www.bathurstsewer.com Documents 2004, page 124, as well as being reiterated (falsely) as being the manner in which the Sewer Access Charge is made to our properties in Bathurst Regional Council's letter dated 19 February 2009. See [_www.bathurstsewer.com_](http://www.bathurstsewer.com) Documents 2009, page 7

My complaints to Bathurst Regional Council (Mayors, staff and Councillors past and present), the Local Member of State Parliament, Ministers of the State Government (former and present), the NSW Ombudsman, the ICAC, the Dept of Water, the Dept of Local Government including to you presently, seek to point out that Bathurst Regional Council DOES NOT, repeat DOES NOT abide by its own policy. In fact and in practice the manner in which Bathurst Regional Council applies the Sewer Access Charge is a perversion of its policy.

Bathurst Regional Council has been successful in justifying a demonstrable RIPOFF to ALL of the agencies and people mentioned above. I can only speculate as to why Bathurst Regional Council is able to justify this ongoing action that culminates in a rate overcharging ripoff to our properties, of approximately thirty thousand dollars per annum.

Bathurst Regional Council REFUSES, repeat REFUSES to allow us access to the policy provision in its Management Plan ("the adopted policy") that exists to have our Sewer Access Charge made FAIR. The manner of this BLATANT, repeat BLATANT mal-administration is even acknowledged in Bathurst Regional Council's letter to the Bathurst Business Chamber dated 19 February 2009 but has never been recognised by your Department for what it is. See [_www.bathurstsewer.com_](http://www.bathurstsewer.com), Documents 2008 page 17. The fact that our properties are made to pay a Sewer Access Charge hundreds of times, /repeat/, hundreds of times more than any residential property and which bears no resemblance to the "load put on the sewer" as

8/08/2012

is required in the Guidelines is EVIDENCE, repeat , SUFFICIENT EVIDENCE, that the manner in which Bathurst Regional Council applies this Charge does not comply with its own policy nor, more importantly with the Local Government Act in which I am sure you can find the sections that deal with the fair distribution and application of rates and charges, the necessity for rates and charges to reflect actual costs, the necessity for Councils to abide by the Guidelines issued for this matter and the necessity for staff to properly and fully inform Councilors for right, fair and proper decision making. Surely this is sufficient signal to the Dept of Local Government that Bathurst Regional Council does NOT apply the Sewer Access Charge as required in LAW. Therefore I contend that Bathurst Regional Council's manner of charging our properties for the the Sewer Access Charge is indeed mal administration as pointed out to our Hydraulics Engineer Mr John Humphreys, former Bathurst Chamber of Commerce President Mr Lachlan Sullivan and myself, by former NSW Govt Minister, Mr David Campbell and not a policy issue as you contend. As it is the Local Govt Dept that administers the Local Govt Act I am sure that the proper resolution of this matter indeed is within your jurisdiction. It cannot be argued by anyone who has looked at this matter, that the means could EVER justify the end result.

Regards

Ray Carter

m 0407258882

Phone message to 0407258882 from Helen Pearce Dept of Local Government 23rd February 2012.

Hi Ray. It is Helen Pearce calling from the division of Local Government. I have had a look into the matter of the Access Charge and we have actually previously written to you on this issue. It appears to be purely a policy decision by Council, of which they do have the autonomy to do and there isn't really anything further I can do but anyway I do hope you do try contacting the free legal advice I gave you. Anyway.. thank you...bye.