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**Subject:** FW: Bathurst Regional Council Sewer Access Charge

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

**Subject:**Bathurst Regional Council Sewer Access Charge

**Date:**Wed, 29 Aug 2012 09:53:47 +1000

**From:**Ray <[ray@carterproperties.com.au](mailto:ray@carterproperties.com.au)>

**To:**[office@page.minister.nsw.gov.au](mailto:office@page.minister.nsw.gov.au)

29/08/2012

Hon Don Page

Minister for Local Government .

NSW

Namoi Dougal

Chief of Staff

in reply to your letter dated 24 Aug 2012

your ref. MIN 2012/71075 Doc ID A286885

cc Minister responsible for s 409 6 (a) and (b) of the Local Government Act 1993

First could you please let me know why it is the Local Government Minister to whom the Premier has referred this matter to when it is, under s409 of the Local Government Act the jurisdiction of the Minister referred to in s409 of the Local Government Act. Could you please refer all of my matter and correspondence to Minister Hodgkinson and to the Premier.

You say that you "understand that the charging structure adopted by Bathurst Regional Council is lawful and it complies with relevant pricing guidelines", while we receive rate notices with Sewer Access Charges that do not reflect compliance with those guidelines nor the National Competition Policy to which the NSW Government is signatory and which are part of those Guidelines .

The Sewer Access Charge that is made to fifteen of our properties over the last eight years is illustrated at the website I have compiled for your convenience [www.bathurstsewer.com](http://www.bathurstsewer.com) and is under the tab , The Sting. We have, over eight years, been overcharged by \$316,000. If Bathurst Regional Council indeed complied with the Guidelines on this matter the Sewer Access Charge to us would reflect this compliance. In other words the charge to us would reflect Councils costs, (which of course are the same to provide the sewer service to us as anyone else), would reflect the actual load and use made of the sewer service as required in those Guidelines and would be comparable to the charge made to residential ratepayers, which it is not. These are the substantive criteria that determine whether or not Bathurst Regional Council complies with the statutory Guidelines issued by the NSW Government through the Minister responsible in 2004. The Sewer Access Charge as made by Bathurst Regional Council is not even made in accordance with their "adopted policy" which is that legally voted on by the Councillors in 2004. You can read Council's adopted policy under the tab , the SPIN. on the bathurstsewer.com website. I can only assume that the NSW Government is under the impression that Council acts in accordance with this adopted policy, which if taken at face value probably does comply with the fairness required in the LG Act, the Guidelines and the NCP. However Bathurst Regional Council does not apply their adopted policy. The adopted policy is indeed that instrument in Council's Management Plan to which they no doubt like the NSW Government and the Councillors to think they comply with. The method used in practice by the Rates Department of Bathurst Regional Council is in fact a perversion of the adopted policy and is illustrated in Mr Roache's report to Council under this same tab. Incredibly, Council (that is Mr Roach, the Corporate Services and Finance Department responsible for rates at Bathurst Regional Council ) inverts the two clauses of their adopted policy, calling the second option the first and then ignoring the qualifier. This is not the "adopted policy" that Councillor's voted on in 2004 ! This is a perversion of that policy done to illegally facilitate a rip off. Under the Council Code

13/09/2012

of Conduct staff must "give effect to the lawful decisions, policies, and procedures of the council"  
I bring to your attention the fact that Mr Roach BRC Corporate Services and Finance does not apply  
Councils lawful decision. ie the adopted policy for the Sewer Access Charge .

It is within the jurisdiction of Minister for Local Government to bring this matter to the Minister who  
has jurisdiction in this matter under s409 6 (a) and (b) of the LG Act. who, if of the opinion that a  
council has not substantially complied with the guidelines, direct the Council to comply with any  
particular aspect of the guidelines before making any further deduction under subsection (5).  
If the Minister for Local Government is not to bring this matter to the attention of the Minister  
responsible for the matter of Sewer and Water Charges by NSW Councils then I do so myself  
with this email.

I look forward to your response.

regards  
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