

Carter Bros Engineering Pty Ltd

ACN00224411
3 Toronto St
Bathurst

8/10/2004

Mr Gerard Martin MP
140 William St.
Bathurst 2795

Cc Mr Frank Sartor, NSW Minister for Energy and Utilities
Cc Mr Tony Kelly, NSW Minister For Local Government

Dear Sirs

Re, Changes to Sewer Rates & Charges by Bathurst Regional Council.

I include a copy of my 25/07/2004 letter to which I await response from the Govt. and also a copy of a letter I have received from Bathurst Regional Council dated 20 September 2004 and my letter in response to that dated 7/10/2004.

Could you please forward this material to the Ministers mentioned above.

Council have said to me in their letter to me dated 20 September 2004 “ Council will reconsider the implementation of nominal sizing of water meters if it is given enough supporting evidence to establish that there is a more equitable manner of applying charges”

I believe strongly that the most equitable manner for applying these charges is set out adequately in the Best-Practice Management of Water Supply and Sewerage Guidelines supplied to Council by your Government.

In this document it is stated that in regard to

- :- Water Supply Pricing, Access Charge, “Annual access charges reflective of customers demand on the system.”
- :- Sewer and Trade Waste Pricing- Check List, Sewerage Access Charge, “Annual non residential sewerage access charge reflective of the customers peak load on the system.

The manner in which BRC has implemented its Access Charge takes no account of the above two criteria set out in the Guidelines on this matter by the Department of Energy, Utilities and Sustainability and is therefore inequitably implemented being simply based on the physical size of the water meter at the property.

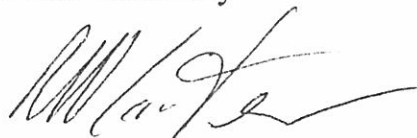
I believe that the use of the nominal sizing of water meters in this matter is indeed, in itself, the equitable way for Council to implement this charge as your Govt has previously advised.

In my endeavours to find the basis and relevant reference material referred to in the Guidelines for the Sewer Access charges. in July I made a number of phone calls to Govt. departments and was directed to a Mr Scott Chapman's office, as was the Bathurst Chamber of Commerce. We still await contact from Mr Chapman.

As BRC have said that they would reconsider the implementation of nominal sizing of water meters if they are given enough supportive evidence that there is a more equitable manner of applying these charges, I seek your Governments assistance in this, seeing that the evidence for this is contained in the Guidelines set out by DEUS in the first instance to ensure that inequitable application of Sewer Access Charges did not occur.

I look forward to your reply.

Yours faithfully



Ray Carter
M 0407258882

25/07/ 2004

Mr Gerard Martin MP
Bathurst
140 William St

cc Mr Frank Sartor, Minister for Energy and Utilities
Mr Tony Kelly Minister for Local Government

Dear Sirs

In regard to Bathurst City Council's Sewer Access Charge to non-residential customers.

I do not believe Bathurst Regional Council intends to adopt DEUS advise in regard to nominal sizing of water meters in the calculation of the sewer access charge.

Council has instead used the physical size and not a nominal size of water meters in conjunction with the SDF. This calculation allows Council to charge a higher Access Charge, which is unfair as it includes the capacity for increased or standby supply of water for emergency fire fighting in the calculation of a sewer charge.

Council has implemented an Access Charge for Sewer use, which is clearly outside the Guidelines as set out by DEUS and advice given to them.

Councils interpretation of "User Pays"

- 1) is not reflective of "the customers peak load" on the sewer system because they are charging for water availability for fire fighting purposes and they do this only as it has a potential to enter the sewer system. It cannot be argued that hose reel water has any more potential to do this than water from any source.
- 2) illustrates that Council is not in full control of trade waste because as they are charging for trade waste via the Access Charge rather than by proper Trade Waste Agreements. This amounts to double dipping where a trade waste agreement is in place.
- 3) is not "reflective of customer's demands" on the water supply as it takes into account the **actual physical size of the water meter** in disregard of the advise given to them, which is:- "Where a large connection size is required

for fire fighting purposes a reasonable approach would be to apply a charge based on the connection size required for water supply and **to allow nil or moderate increase over this charge for provision of the fire fighting capacity**"

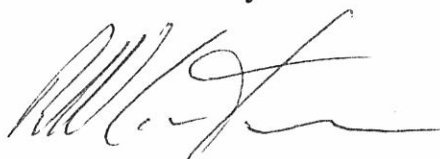
- 4) is based upon a Council resolution that "nominal sizing of water meters is not used due to the common practice of using hose reels." It is nonsense to use this as a reason for not adopting a "nominal size" for water meters.

The NSW Fire Brigade actually encourages familiarity with hose reels by the occupants of a building and because a fire hose reel uses metered water therefore there is no difference in taking water from a fire hose reel or from an ordinary hose. Nor is it physically possible for a hose reel to deliver water of increased pressure as suggested by Council in correspondence with myself.

In order to maintain fairness to User Pays Sewerage or claim best practice Charges, Council should adopt the Government's advice to use a **nominal size** for water meters. This would eliminate the anomalies introduced into the system by Council's interpretation of "user pays" and **properly separate** the non-residential customer's water availability for fire fighting purposes **from both** the domestic and trade waste portions of their sewer use.

I thank you and look forward to hearing the Governments views on the matter.

Yours faithfully



Ray Carter
Director

Mobile Phone 0407 258882
Fax 6332 2576

20 September 2004

Mr Ray Carter
Director
Carter Bros Engineering Pty Ltd
3 Toronto Street
KELSO NSW 2795

Dear Mr Carter

Implementation of Best Practice Sewer Charges

I refer to your letter received by Council on 24 August 2004. In reply to your queries I supply the following information.

1. The purpose of a Hydraulic Engineer investigating a property is to establish if a smaller size meter and/or a rationalization of meters is appropriate for the property. The hydraulic engineer is the independent expert in determining the criteria for this.
2. It is not illegal to use fire hose reels for purposes other than fire fighting. For this reason Council ensures that all fire hose reels are supplied from a metered water supply. All fire hose reels should be inspected annually (as with all fire extinguishers) to check that they are suitably maintained. Council cannot legally stop the practise of using fire hose reels for purposes other than fire fighting.
3. The access charge system has no impact on trade waste practices. That is, Trade Waste Agreements are still entered into, maintained, and breaches of Trade Waste Agreements are followed up for appropriate action.
4. A summary of the process for the introduction sewer charges was supplied to you in Council's letter dated 5 August, 2004. Copies of specific minutes of meetings can be supplied if required. The summary provided to you would also be supplied to the State Government
5. The nineteen responses provided valuable feedback to Council. It enabled Council to address the major concerns raised and assess the general view of ratepayers to this change. These responses came about after letters were sent to properties where Council had estimated they would be adversely affected by the changes – a rate increase in excess of \$100.

Carter Bros Engineering Pty Ltd
20 September 2004

Since the issue of the letters and the annual rate levy, a total of 31 responses/requests have been received regarding the introduction of best-practice sewer charges. In summary most have requested that their meters be investigated to see if they can be reduced in size and to have their sewerage discharge factors investigated.

6. Council will reconsider the implementation of nominal sizing of water meters if it is given enough supporting evidence to establish that there is a more equitable manner of applying charges. At the present time the common belief is still that fire hose reels are used for purposes other than fire fighting and impact on the sewer system.

As previously advised Council has adopted various options to assist in the implementation of Best Practice Sewer Pricing. These options were outlined in Council's letter to you dated 5 August 2004. Should you wish to avail yourself of any of these options please specify the particular properties that you own that you wish to have reviewed.

Yours faithfully



Kath Knowles
ADMINISTRATOR

Carters

Carter Bros Engineering Pty Ltd

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6/09/04

Ms Kath Knowles
Administrator

Cc The General Manager
Mr David Sherley

Bathurst Regional Council

Dear Ms Knowles and Mr Sherley

In regard to proposed Access Charges. BRC Ref.TD:AL:26.00010/052 and Councils reply dated 20 September 2004.

Thank you for you reply. I address each of the points raised by number in your letter, copy attached.

1)

I understand that, in using the physical size of water meters instead of the nominal size of water meters (as Council has been advised by the State Government) that you have offered to downsize water meters in cases where the meter may be above the size actually required for fire fighting services.

Why do you wish to do this when?

a) There is no need to waste ratepayer money on this exercise whilst you say that in 6. "Council will reconsider the implementation of nominal sizing....".

b) With nominal sizing this work is superfluous. The "nominal water meter size" is based on actual demand on the water supply as advised by the State Government, "taking no account of the water needed for fire fighting purposes" or indeed any safety factor we for instance have, in some circumstances, built into our water supplies for that purpose and also for the purpose of future building expansion requiring additional hose reels.

c) We have plans to extent the buildings on several of our properties, which

will entail the use of larger water meters than may be required presently for fire fighting purposes. What you propose has no purpose in our circumstance other than to create unnecessary work and expense for Council and for us at a latter date.

2)

I understand and concur with what you say here **except** for your last statement "Council cannot legally stop the practice of using hose reels for purposes other than fire fighting". The fact is that Council does have the power to legally stop the use of water from any hose reel or for that matter, from any source, from entering the sewer system. You disallow this here but convolutedly acknowledge in 3. that you have such authority.

You also undermine your own statement here in 2. by saying in 6. "at the present time the common belief is still that fire hose reel are used for purposes other than fire fighting and impact on the sewer system." If in fact the use of fire hose reels is indeed having an "impact on the sewer system" then why indeed are you not doing something about that as you state in 3. "breaches of Trade Waste Agreements are followed up for appropriate action"?

I have no doubt that Council has the power to follow up on breaches of Trade Waste Agreements or indeed breaches involving the illegal dumping of waste water into the sewer system, which you say in 6. has an "impact on the sewer system".

I venture also to say that the case is most likely that the "impact on the sewer system" is so minimal that Council has never in recent times seen fit to attempt a follow up on this matter or notified the EPA who also have an interest in such matters. Could you please enlighten me on this?

3)

Here you say that, "the access charge system has no impact on trade waste practices". I do not believe this is the case at all, because you are in fact attempting to charge twice for the volume of waste put into the sewer system under a volumetric Trade Waste Agreement. Do you not acknowledge this?

4)

I have your letter of August 5. As you have offered, I would like a copy of the specific meetings held in regard to this matter and upon sending could you please verify the accuracy and completeness of the same.

Could you also please send a copy of the City Treasurer Reports to Council dated 28 August 2003 and 25 February 2004 and any other material that may help me to come to a complete understanding of this matter.

One of the documents forming part of the process you mention is the Management

Plan, on display from 14 May 2004. Please note that in this displayed document you did not mention that it is the “water meter connection size” that you refer to and so the connection was not drawn to the way in which you have implemented the calculation of the Sewer Charge. It is no wonder that those ratepayers affected did not recognise the fact that you intended to actually use the water meter connection size in conjunction with a Sewer Charge, if indeed any affected ratepayer was alerted that within this large and complex document was the finely printed final draft of the Sewer Charge calculation.

5)

The letters that you sent out on 3 & 8 June 2004 alerted myself and others to the way in which you were intending to calculate the Sewer Charge not the fact that the Management Plan was on display.

Your letters in fact were fait accompli letters and were sent out prior even to the closing of submissions to the Management Plan. Why did you in fact do this on the 3 and 8 June which was eight and three days prior to the closing of submissions to Council on the Management Plan? At the very least this was an unusual and confusing manner of conducting business and has confirmed that Council had settled the matter of calculating the Sewer Access Charge before even the closing date for submissions.

Is it your intent to allow the people who did not respond to the Sewer Access Charge in the Management Plan, to labour under the assumption that submissions closed in regard to this matter on 11 June 2004 and that the Management Plan is in fact fait accompli?

Do all of the people who you deemed affected by the Sewer Charge and consequently wrote to, know that you have accepted that as per 6., “Council will reconsider the implementation of the nominal sizing of water meters....” or is it your intention to continue to deal with this matter on an individual case basis, which obviously minimises the weight of action against Council’s use of the water meter size in determining the Sewer Access Charge?

6)

I regard to your statement that “At the present time the common belief is still that fire hose reels are used for purposes other than fire fighting and impact on the sewer system” you serve one purpose only and that is the belief (presumably Councils) that you have no control over what enters the sewer system, which I believe you surely do. The disconcerting thing is that this is the only argument that I have heard from Council as to the reasoning behind utilising the water meter size

in the calculation of the Sewer Access Charge. Do you still hold to your argument in you letter of 5 Aug 2005 that the use of hose reels is "because of the high water pressure" contained within them.

You say here also that, "Council will reconsider the implementation of nominal sizing of water meters if it is given enough supporting evidence that there is a more equitable manner of applying charges"

In saying this you admit that your present method of calculating the Sewer Access Charge is less that equitable. The overwhelming supportive evidence and common-sense is clear in that, *a charge for Sewer Use bears no relationship to the water meter size on a property*. All of this is contained clearly in the expertly written ***Best Practise Management of Water Supply and Sewerage Guidelines*** where it states that the Sewer Access charge should reflect the demand on the water service and the load on the sewer system.

I request therefore that, seeing that Council acknowledges that it has only been able to devise a less than equitable manner of calculating this charge, that it seek the advise of the State Government which does have considerable expertise in these matters.

No doubt the State Government would like to see the equitable implementation of User Pays, Best Practise and fair Sewer Charges implemented in all Councils in NSW.

Yours sincerely



Ray Carter
Director

Mobile Phone 0407 258882
Fax 6332 3185

Cc Mr Gerard Martin cc The NSW State Government Ministers Mr F Sartor Minister for Energy and Utilities and Mr Kelly Minister for Local Government.

PS. In regard to your last paragraph, please refer to my letter of 16 July 2004 and the attached three pages of outlining the situation in regard to each of our effected properties. You acknowledged this request in your letter dater 5 August 2004 on page three but I still await contact from your Engineering Staff.

Carters

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8/10/2004

The President
Mr Richard Jackson
Bathurst Chamber of Commerce

Cc Past President
Mr Lachlan Sullivan

Dear Sirs

In regard to the continuing matter of BRC's implementation of its own version of "user pays" Sewer Charge.

I include with this letter, copy of correspondence in regard to this matter.

I wish to make particular note of the fact that BRC have made the admission in cl. 6 of their letter dated 20 September 2004, that :-

"Council will reconsider the implementation of nominal sizing of water meters if it is given enough supporting evidence to establish that there is a more equitable manner of applying charges"

This is the largest concession that we have had from Council to date and I seek the continued support from the Chamber in order to press this matter strongly from this point.

In particular I would like to thank Lachlan for his efforts in understanding and taking the matter up with Council.

Yours sincerely,



Ray Carter
Director

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Carters

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12/11/04

Ms Kath Knowles
Administrator

Cc The General Manager
Mr David Sherley

Bathurst Regional Council
Dear Ms Knowles and Mr Sherley

In regard to proposed Access Charges. BRC Ref:FD:AL:26.00010/065 and Councils reply dated 5 November 2004.

Thank you for you reply. I address the main points raised in your letter, copy attached.

In the third paragraph of your letter you draw my attention to the guideline given to BRC by the DLWC for use by NSW Local Water Utilities.

It is noted that you claim that "..., Council applied the specific guidelines regarding non-residential sewerage charges....".

The specific quotation that you highlight and quote from the DLWC document states in 4.2.2 " The sewerage Access charges should be proportional to the square of the size of the water supply service connection (Dsq) to reflect the load that can be placed on the sewerage system " (note that your quotation is incomplete. See below)

Well may you claim to have used this specific instruction but you have not.

Upon extrapolation the formula that you have used is :-
 $B = (C \times SDF \times UC) + AC$. This formula does not contain any mention of the "square of the size of the water supply service"

While it is acknowledged that Council volunteered a copy of Best-Practice Management of Water Supply and Sewerage Guidelines from DEUS, it is disappointing that only now has one page of the document, Sewerage and Trade

Waste Pricing Guidelines from the Dept of Land Water Conservation , that contains instruction that Council now claims to have specifically followed, has been forwarded.

It is noted that the “square of the size of the water supply service” (Dsq) is contained within the same clause 4.2.2 and that is :-

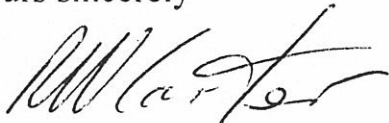
$$B = SDF \times (AC + C \times UC)$$

Where $AC = (AC_{20} \times D_{sq} / 400)$ note again that Dsq **is** contained within the formula advised by DLWC **and not within Councils formula.**

The portion of the sentence that you do not use in your quotation continues “and the sewer usage charge /kl should apply for the estimated volume discharged to the sewerage system” This statement from DLWC supports the guidelines from DEUS which state (as I have pointed out many times to you), that in regard to Sewerage and Trade Waste Pricing “Annual non-residential sewerage access charge reflective of customers peak load on the system” and also that in regard to Water Supply Pricing “Annual access charges reflective of customer’s demands on the system” In other words, Council claims (wrongly) to have applied the first portion of this sentence and has ignored the second portion which now reveals and supports the contention of many businesses in Bathurst that the Sewer Access charge is **supposed to reflect the genuine use of the sewer system.**

These are serious matters and should be resolved immediately as the application of Councils formula allows for increases in water rates of up to and over 1000% as against the use of the formula advised by DLWC actual decreases in the rates applied to commercial premises as one would expect where User Pays is properly applied.

Yours sincerely



Ray Carter
Director

Mobile Phone 0407 258882
Fax 6332 3185

10 December 2004

Mr Ray Carter
 Director
 Carter Bros Engineering Pty Ltd
 3 Toronto Street
 KELSO NSW 2795

Dear Mr Carter

Implementation of Best Practice Sewer Charges

To assist in addressing your concerns regarding the implementation of Best Practice Sewer Charges, Council will make Engineering Staff available to review the Sewerage Discharge Factors estimated for your affected properties.

Council will also engage a Hydraulic Engineer to fully assess meter requirements for each of the properties. The costs for the Hydraulic Engineer and any resulting downsizing or removing of meters will be met by Council. The properties that Council will be reviewing are listed below:

Owner	Assessment #	Address	Current SDF	Current Meters
Carter RW WE & IR	2662-43000-4	10 Littlebourne Street KELSO	95%	1 x 40mm
Carter RW WE & IR	5361-93000-4	15 Adrienne Street RAGLAN	95%	2 x 40mm
Carter RW WE & IR	5631-94020-1	11 Adrienne Street RAGLAN	95%	1 x 40mm
Carter RW WE & IR	2662-44000-3	6 Littlebourne Street KELSO	95%	1 x 50mm
Carter RW WE & IR	2662-45000-2	2 Littlebourne Street KELSO	95%	1 x 32mm & 1 x 40mm
Carter RW WE & IR	5631-94210-8	9 Adrienne Street RAGLAN	95%	1 x 50mm
Carter Bros Engineering	1508-01998-9	Hampden Park Road KELSO	95%	1 x 40mm
Carter Bros Engineering	4727-25000-5	3 Toronto Street KELSO	95%	1 x 32mm
Carter Bros Engineering	5631-94010-2	13 Adrienne Street KELSO	95%	1 x 40mm
Pre-Fabricated Buildings Pty Ltd	52444-00000-5	369 Stewart Street MITCHELL	95%	1 x 100mm
Coveport Pty Ltd	50340-00000-4	5 Zagreb Street KELSO	95%	1 x 80mm
Coveport Pty Ltd	50338-00000-8	1 Adrienne Street RAGLAN	95%	1 x 50mm

Reference: TD:AL:26.00010

Enquiries: Mrs Toni Dwyer (02) 6333 6291

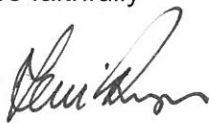
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Mr Ray Carter
10 December 2004

Any changes to sewer charges that result as an outcome of these reviews will be made from 1 July 2004.

If you have any further questions about the reviews please contact Council's Manager of Water and Waste, Russell Deans on 02 6333 6225. Other enquiries can be directed to Council's Senior Accountant, Toni Dwyer on 02 6333 6291.

Yours faithfully

FIT 

R Roach
CHIEF FINANCIAL OFFICER



NEW SOUTH WALES

APPENDIX 'C'

MINISTER FOR ENERGY AND UTILITIES
MINISTER FOR SCIENCE AND MEDICAL RESEARCH
MINISTER ASSISTING THE MINISTER FOR HEALTH (CANCER)
MINISTER ASSISTING THE PREMIER ON THE ARTS

MSO Ref: 09605
DEUS Ref: 04/2100

Mr Lachlan Sullivan
President
Bathurst Chamber of Commerce
PO Box 293
BATHURST NSW 2795

24 DEC 2004

Dear Mr Sullivan

I refer to your letter of 5 October 2004 regarding the introduction of best-practice sewerage pricing by Bathurst Regional Council.

As outlined in the Best-Practice Management of Water Supply and Sewerage Guidelines, the sewer access charge should reflect the customer's capacity requirements.

As you point out, the present charges for some customers such as those with large connections sized for fire flows, may be higher than warranted by their load on the sewerage system. Such customers may wish to submit evidence to Council that supports an alternative approach to determining sewer access charges. This may involve presenting an independent hydraulic report which analyses the customer's historical and likely future water consumption and sewer discharge patterns and the likely peak discharge requirements. Council has assured me that it will assess such evidence provided by its customers on a case by case basis.

I am keen to see that all customers are treated fairly and that businesses in Bathurst are not faced with unwarranted access charges. I will therefore continue to monitor the implementation of the new sewerage charges in Bathurst.

Thank you for bringing this matter to my attention.

Yours sincerely

Frank Sartor



NEW SOUTH WALES

1641
APPENDIX 'B'

MINISTER FOR ENERGY AND UTILITIES
MINISTER FOR SCIENCE AND MEDICAL RESEARCH
MINISTER ASSISTING THE MINISTER FOR HEALTH (CANCER)
MINISTER ASSISTING THE PREMIER ON THE ARTS

MSO Ref: 09208 09538
DEUS Ref: 04/1832 04/2123

Mr Ray Carter
Director
Carter Bros Engineering Pty Ltd
3 Toronto Street
BATHURST NSW 2795

24 DEC 2004

Dear Mr Carter

I refer to your letters of 8 October 2004 and 25 August 2004 regarding the introduction of best-practice sewerage pricing by Bathurst Regional Council. The Member for Bathurst, Mr Gerard Martin MP has also made representations to me on your behalf regarding this matter. I apologise for the delay in responding to you.

Bathurst Regional Council's recent introduction of best-practice sewerage pricing will ensure that the sewerage system operates efficiently. Under such a tariff, customers with significant sewer discharges will pay a fair share of the costs imposed on the system. An important aspect of a fair sewerage tariff is an annual access charge which reflects the peak load that can be placed on the sewerage infrastructure.

I recognise your concerns regarding the sewer access charge. However, Bathurst Regional Council has assured me that customer concerns will be fairly addressed on a case by case basis. Council has also recently increased its resources to assist customers with their queries by appointing a hydraulic engineer. I therefore encourage you to continue working with Council to satisfactorily resolve this issue.

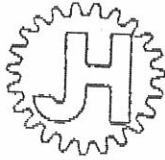
As outlined in the NSW Government's Best-Practice Management of Water Supply and Sewerage Guidelines, the sewer access charge should reflect a customer's capacity requirements and the load they place on the sewerage system relative to residential customers.

In her letter to you of 20 September 2004, Ms Kath Knowles, Administrator, Bathurst Regional Council states "Council will reconsider the implementation of nominal sizing of water meters if it is given enough supporting evidence to establish that there is a more equitable manner of applying charges".

..12

142A

FAX
COVER
SHEET



**JOHN HUMPHREYS &
ASSOCIATES PTY. LTD.**

CONSULTING MECHANICAL ENGINEERS

13 KABBERA BLVD., KELSO, 2795 - PHONE: (063) 31 5717

FAX: (063) 32 2107

Fax To: <i>RAY CARTER</i>	Date: <i>17/1/05</i>
Attention:	No. of pages including this page: <i>4</i>
From: <i>JOHN HUMPHREYS</i>	
Subject:	

RAY,

2 *CORRESPONDENCE AS DISCUSSED FOR
COMMENT, ADDITIONS, CORRECTIONS*

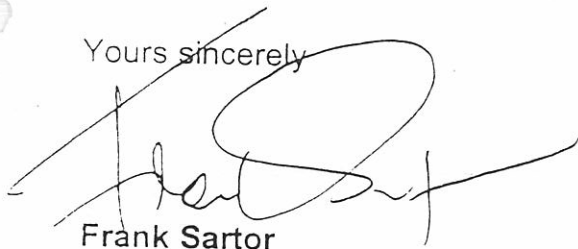
*Regards
John H*

Accordingly, if you believe that the access charge ascribed to you by Council does not reflect your load on the sewerage system, you may wish to commission an independent hydraulic report and present it to Council. Such a report would analyse the historical and likely future water consumption and sewer discharge patterns of your premises and the likely peak discharge requirements.

Best-practice sewerage pricing is sometimes a difficult adjustment to make for local water utilities and some of their customers. Bathurst Regional Council has taken a responsible approach in moving to such a tariff.

Thank you for bringing this matter to my attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Frank Sartor', written over the typed name.

Frank Sartor

Carters

Carter Bros Engineering Pty Ltd

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17/01/05

Ms Kath Knowles
Administrator

Cc The General Manager
Mr David Sherley

Bathurst Regional Council

Dear Ms Knowles and Mr Sherley

Thank you for our meeting of early December last in regard to the Sewer Access Charges.

Mr John Humphreys did contact me in regard to assessing the water meters on each of our effected properties and no doubt you have those reports by now.

We now await contact from the Council officer in regard to assessing the SDF for each of these properties in a visit to each property as you said would happen.

Could you please let me know how the SDF is calculated prior to this happening ?

So that you may understand our concern about the new Sewer Charge and the high cost imposed on our business as landlords to a multiple of tenanted businesses that in the past Council has been pleased to see developed, I have included with this letter, copies of this years and last years rate notices, on three of our properties as examples of BRC's increased rates, for your attention.

As per the Guidelines, large users of water can expect large increases in Sewer charges. These properties are miniscule users of water and thus should not attract these large increases.

We also agreed at the meeting to assess the effect of the Sewer Access Charge on our properties after the assessment of the water meter sizes and SDF had been carried out and that where changes are agreed upon then these would be back dated to the beginning of the current rate year.

We look forward to settling this matter without too much further ado.

Yours sincerely



Ray Carter
Director

Mobile Phone 0407 258882
Fax 6332 3185

31 January 2005

Mr Ray Carter
Director
Carter Bros Engineering Pty Ltd
3 Toronto Street
KELSO NSW 2795

Dear Ray

In reply to your letter dated 17 January 2005, Council advises that as requested, John Humphreys and Associates Pty Ltd was engaged in the capacity of Hydraulic Engineer to assess each of your properties for possible downsizing or rationalization of water meter connections. The reports have now been completed and supplied to Council.

The review of Sewerage Discharge Factors is still outstanding. Council's Engineering Department will conduct a review for each of your properties. When this is completed Council will advise you of the full outcome of the property assessments.

The SDF (Sewerage Discharge Factor) is an estimate of the proportion of total water consumption that is discharged to the sewerage system.

Council's engineering staff will contact you and make an appointment to conduct an assessment of that property. You are welcome to discuss any aspect of this assessment at that time or during the assessment. Alternatively, as advised previously, if you have any immediate questions please contact Council's Manager Water and Waste, Russell Deans, on 6333 6285.

Yours faithfully



Kath Knowles
ADMINISTRATOR

AS PER EXECUTIVE MEETING 07/02/2005 THE FOLLOWING IS PREPARED AND PROPOSED AS THE PRESS RELEASE BY THE BATHURST CHAMBER OF COMMERCE IN RELATION TO THE FOLLOWING ISSUE:-

Sewer Access Charges as implemented by Bathurst Regional Council.

The Sewer Access Charge is a new two-part charge to be implemented by all NSW water authorities. The NSW Govt. Guidelines on this matter state clearly that it is supposed to be a fair charge, reflective of the load on the sewer system and actual demand on the water supply by all properties, as the names Fair Pricing and User Pays Sewer Access Charge indeed imply. Compliance with the Guidelines set out on this matter is needed in order that Councils become eligible for certain Govt grants.

However in the case of non residential properties in Bathurst, BRC has implemented the charge in such a manner that it incredibly includes the water that is available (ie. available, not used) for the fighting of fires in the calculation of the peak load that can be put into the sewer.

BRC has also assessed that in almost all industrial-commercial situations, 95% of the water used, is discharged into the sewer system. This heavy handed approach, which disregards the real extent of lawn watering etc. is reinforced by the fact that, six months after visiting one industrial site where the Sewer Discharge Factor (SDF) is realistically about 5%, there has been no written offer to compromise, even though Council insists to the Minister, that the matter is under control and being dealt with on a "case by case basis", (which in itself is a very questionable activity) . By taking this approach BRC has increased the charge for sewer use by commercial and industrial premises, including schools, **by up to one thousand one hundred percent (1100%).** The effect has been to almost double the overall rates on some affected non residential properties, which is hardly tolerable.

Council has a much-proclaimed policy of down sizing of water meters where there may be some over capacity to supply **both** the domestic and fire fighting requirements. This is not what the complaints are about though it is an unnecessary waste of ratepayers money. This should not be confused with the **capacity over and above a domestic service required**, which in most cases need to be no bigger than a house meter of 20mm.

The fact is that the most affected commercial-industrial properties caught in Councils method of implementing these changes, use about the same amount of water as a household though the **effective cost of treatment of sewerage discharged** from a factory is to be many times that of household sewerage.

In the Guidelines there is the means for Council to phase the new charges in over five years **for large users** of the sewer service. Again this is not what this complaint is about, nor is it applicable, because **most of the businesses affected are small users** of the sewer system, although Council has sought to imply that a phase in of their version of the charge is what is meant by this clause in the Guidelines.

BRC has seen fit for it to continue with this impost because it insists that the water that is available (again, available not used) for fire fighting, (by virtue of an increased water meter size for that purpose on commercial premises), be included in the calculation of a new charge for Access, based on water meter size, when it clearly should not be. Also,

BRC insists that, metered and chargeable water, available for the purpose of fighting fires (by virtue of the larger water metered connections for this purpose) could end up in the sewer system. Water from fire hose reels **if used at all** is more likely to end up in the storm water system just the same as the water from any hose. In the case of large volume users of water involving existing Trade waste Systems, Council is effectively seeking to double dip with its system of charges. These are clearly not a proper basis for a new tax on Sewer Use, supposedly User Pays.

Many businesses have approached the administrator on these issues but most feel very isolated and some confronted, as the unfairness in the implementation of this policy is patently obvious. BRC continually says that it will implement a fairer system if one can be found, even to the minister concerned Mr Sartor, who has voiced the same concern over fairness to Council. Up until now and that is eight months after implementing this policy, there is demonstrably no commitment to that claim.

The process of implementation has been sadly lacking as could be exposed in a proper forum. All but two or three people were sufficiently alerted to Council's intentions to attend Council's public forum in November 2003 at which, in any case, the voices of concern on the issue were not minuted nor obviously considered important. Councillors at the time obviously thought the matter was under control and that the Guidelines would be fairly implemented. However, " 'Guidelines' are only guidelines" for staff left to handle the matter.

The State Minister involved, Mr Sartor has clearly and rightly suggested publicly that a nominal size for water meters is appropriate for BRC to use (Western Advocate July 3rd 2004) However, BRC stands by its inadequate reasoning, even though it is illegal to put wastewater into the sewer system without a Trade Waste Agreement with Council in the first place. An explanation of the inadequacy of BRC's logic is demonstrated on the attached drawing (appendix.A).

BRC alone claims the right to determine the SDF (Sewer Discharge Factor) by a method known only to itself and without transparency as should be the case.

This impost by BRC is an affront to business and schools in Bathurst and to the continued viability of its industrial base at a time of great uncertainty for manufacturing in Australia. The matter has dragged on for eight months, right up to the present election and no doubt will be found in the 'was too hard' basket or perhaps the copout one when the new Council is formed.

Other Councils in NSW have implemented User Pays Sewer Charges in a more realistic and undisguised manner and more in line with the intent of the Guidelines. Clearly though, the NSW Govt could issue something more than *Guidelines* to Councils which have an eye to revenue raising and limited incentive, or perhaps ability, to get things right.

If indeed the procrastination on fair implementation of the new Sewer Access Charges by BRC has been so, (in order not to upset the residential rate paying constituency in achieving fair, revenue neutral status on this issue as is required by the State Govt), for politically expedience by the administrator, the situation as it stands is very questionable.

enrichment weekend for talented and gifted children this weekend. The two-day course will provide an opportunity for talented children to gain stimulation outside the school environment and mix with like-minded youth. Workshops held over the weekend will include art, acting, forensic science and creative writing.

Rubbish Away for Good' in the nation's best environmental community event, Clean Up Australia Day, this Sunday. Now in its 16th year, Clean Up Australia needs the community's help to target rubbish that clogs beaches, parks, roadsides, bushland and waterways. Clean Up Australia chair-

continues to turn up in the environment we must continue to clean it up. "Clean Up Australia Day is a fantastic example of how the individual actions of many can affect great change in communities around Australia. Participating is easy, fun and anyone can help clean up", he

over where they make an instant difference to the environment. "So get together with neighbours, friends and family to help 'Put Rubbish Away for Good'." Volunteers are needed to help clean up sites throughout the region, including a section

196 Durham Street. For more information, please contact the site organiser Jane Halsey on 0408581233. Staff from Stockland Bathurst will also be doing their bit on the day, cleaning Quota Park on the corner of Howick and Bentinck Streets.

OPEN THE DOOR AND MAKE THE DIFFERENCE

Individual Australians set the international standard for giving to support victims of the Boxing Day tsunami with 80% of the \$92 million raised by the Australian Red Cross coming from the person in the street. Nowhere else even came close.

We now need you to help support your neighbours in the Bathurst region and NSW by contributing to the **Red Cross Calling Door Knock**. Hundreds of students from Scots, Bathurst High, MacKillop, All Saints, Stannies and Kelso High, as well as students from CSU, are volunteering to knock on your door to obtain funding for critically ill children, teenage mothers who need medical support, teenagers who are fighting the nightmares of drugs and older citizens who need help and support to live decent lives.

By contributing \$1 per person who lives in the house you can make the difference between helping these people, and many others of your neighbours.

DON'T CLOSE THE DOOR OR IGNORE THE DOOR BELL. TAKE THIS CHANCE TO MAKE A DIFFERENCE.

If you have questions or will be away during the door knock contact the Red Cross Calling Coordinator Phillip Scott on 0437 694 063



Australian Red Cross
Bathurst Branch

credit

Businesses to Lobby charge

By TERRY JONES

THE Bathurst business sector has put the incoming Bathurst Regional Council on notice just days before Saturday's local government poll that they will lobby to overturn a controversial user-pays sewer access charge.

A Bathurst Chamber of Commerce campaign to change what has been described as an "anti-business tax" has been gathering momentum since a report was tabled by Bathurst consultants John Humphreys and Associates.

The report has been in the hands of Bathurst Chamber of Commerce for about a fortnight, with some chamber members saying it should have been made public as soon as it was completed and made a major election issue.

The fact the report was not made public, they said, protected former Bathurst City Council candidates from a business sector voter backlash.

Mr Humphreys said all prop-

erties outside the Central Business District with meters larger than 32mm have sustained huge increases in their sewage charges, with up to 1190 per cent increases in the education sector.

He said increase in the order of 120 per cent had been common in "light industry" sector.

Where objections to these charges have been raised, Mr Humphreys said council offered to reassess the meter size and/or the applied sewage discharge factor.

This meter size re-assessment has, however, brought a reduction in charges on a limited number of properties where the meter installed by council was oversized.

Mr Humphreys disputed Bathurst Regional Council's application of a rate that was never meant to disadvantage either the residential or business sector.

He favoured guidelines introduced by Orange City Council.

On the Bathurst system the

water availability charge for a 20mm meter was \$250, 50mm \$1563 and 100mm \$6250 compared to Orange's \$280, \$1750 and \$7000 respectively. Lithgow and Dubbo rates were also lower than Bathurst and Orange for water availability.

The controversial non-domestic sewage availability charges in Bathurst were \$307 (20mm), \$1920 (50mm) and \$7682 (100mm) compared to Orange's \$97.09, \$606.81 and \$2427.25 respectively.

Orange offset its lower sewage availability charges with higher usage charges.

"Bathurst Regional Council implemented its charge without a great deal of thought," Mr Humphreys said.

"There was no advance notice of discussions or great consultation."

"They did it in a simplistic manner. They adopted the most expeditious way to implement the approval without investigating inequities in the approach they took."

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ADMINISTRATOR'S OFFICE

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5 April 2005

Mr Ray Carter
 Director
 Carter Bros Engineering Pty Ltd
 3 Toronto Street
 KELSO NSW 2795

Dear Mr Carter

Implementation of Best Practice Sewer Charges

Council has now completed the requested assessment of your properties.

During this assessment the Sewerage Discharge Factors (SDFs) estimated for each of your properties was reviewed and the changes are listed below.

As requested, Council also engaged John Humphreys and Associates Pty Ltd in the capacity of Hydraulic Engineer to assess your requests for downsizing or rationalizing your water meters. The reports suggest the following changes to your meters. The reports are **attached** for your information.

ADDRESS	ORIGINAL SDF	REVISED SDF	METER	DOWNSIZE (Y/N)
1 Adrienne Street	95%	50%	50mm	N
9 Adrienne Street	95%	50%	50mm	Y (32mm)
11 Adrienne Street	95%	75%	40mm	Y (32mm)
13 Adrienne Street	95%	75%	40mm	Y (32mm)
15 Adrienne Street	95%	50%	40mm	Y (32mm)
2 Littlebourne Street	95%	75%	40mm 32mm	Y (25mm) N
6 Littlebourne Street	95%	75%	50mm	Y (32mm)
10 Littlebourne Street	95%	95%	40mm	Y (32mm)
22 Hampden Park Rd	95%	95%	40mm	N
3 Toronto Street	95%	50%	32mm	N
5 Zagreb Street	95%	50%	80mm	Y (40mm)
369 Stewart Street	95%	95%	100mm	N

Please complete and return the **attached** Works Request form indicating your preference on how you wish to proceed with the recommendations in the report. When this form is received by Council, the requested work will be scheduled. The cost of downsizing or removing meters will be met by Council. When the work is completed your sewer charges will be adjusted to reflect the changes from 1 July 2004.

Further technical questions should be directed to Russell Deans on 6333 6225. Other enquiries can be directed to Toni Dwyer on 6333 6291.

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Carter Bros Engineering Pty Ltd
5 April 2005

Thank you for your input, patience and co-operation in this matter.

Yours faithfully

FIT 

R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE