



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 24 October 2006

location: council chambers

time: 5:00 p.m.



**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 24 October 2006

**TABLE OF CONTENTS**

| <b>ITEM</b>                                  | <b>SUBJECT</b>                                                                                                                                                                                               | <b>PAGE</b> |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <b>SECTION 4 - Reports for Determination</b> |                                                                                                                                                                                                              | <b>4</b>    |
| Item: 252                                    | GM - Freedom of Information Application to Department of Local Government: Petition against Rate Rise - (79351, 79385)                                                                                       | 4           |
| Item: 260                                    | ES - Review of Determination - Application to Install a Manufactured Home and Associated Structure on Site 20, Hawkesbury Riverside Retreat, Lot 1 DP862897, 78 Greens Road, Lower Portland - (95494, 37357) | 14          |

ordinary

section 4

reports  
for determination

**ORDINARY MEETING**

**Meeting Date:** 24 October 2006

**SECTION 4 - Reports for Determination**

**Item: 252            GM - Freedom of Information Application to Department of Local Government:  
Petition against Rate Rise - (79351, 79385)**

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**REPORT:**

Council will be aware that during its recent consultation process with the community on a proposed rates increase to maintain infrastructure to current standards, the media reported that a petition against the rate rise was being organised by a number of community representative groups. The existence of the petition was later confirmed by the Minister for Local Government who is reported to have relied on the petition in part to refuse Council's rate application citing a lack of community support as evidenced by up to 6000 signatures that are alleged to have comprised the petition.

Council has never been given a copy of the submission and has had to rely on Freedom of Information legislation to obtain evidence of the community sentiment referred to. Although Council has been successful in obtaining a copy of the substance of the petition, it has not been successful in obtaining copies of the 6000 signatures that were appended thereto.

A copy of the documentation forwarded to Council by the Department of Local Government in response to Council's request under the Freedom of Information legislation is appended as attachment one.

**Conformance to Strategic Plan**

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

*"Investigating and planning the City's future in consultation with our community, and co-ordinating human and financial resources to achieve this future."*

**Funding**

Nil funding implications.

**RECOMMENDATION:**

That the information be received.

**ATTACHMENTS:**

**AT - 1** Letter from Department of Local Government dated 5 September 2006.

ORDINARY MEETING

Meeting Date: 24 October 2006

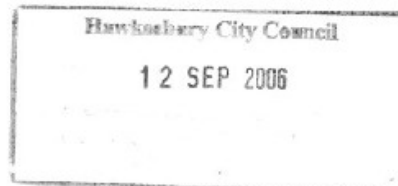
**AT - 1 Letter from Department of Local Government dated 5 September 2006.**



Department of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

OUR REFERENCE Doc ID: A69065  
YOUR REFERENCE  
CONTACT D Walsh  
4428 4136

Mr Graeme Faulkner  
General Manager  
Hawkesbury City Council  
PO Box 146  
WINDSOR NSW 2756



ATT: Peter Jackson

Dear Mr Faulkner

**Your application for documents under the Freedom of Information Act 1989 -  
documents concerning council's special rates variation application**

**NOTICE OF DETERMINATION**

*Your request:*

You have applied on behalf of Hawkesbury City Council under the *Freedom of Information Act 1989* (the Act) for access to copies of documents concerning petitions relating to council's special rate variation application for the 2006/07 financial year.

Since first applying, you revised the scope of your application, to include only the petition headers and a count of the total number of signatures on the petition.

This comprises two petition header documents and two supporting information documents.

*My determination on the release of the documents requested:*

My decision is that access be granted immediately to all of the information requested by your Mr Jackson on 24 August 2006. This information is attached and the statistics follow:

The total number of signatures on the petition amounts to 6,746 (six thousand, seven hundred and forty six).

The Act gives you certain rights of appeal against this determination. An outline of your rights in this regard is contained in the enclosed guidelines.

If you wish to apply for an internal review of this decision, a fee of \$40 must be sent to the Department with an internal review application within 28 days from the



**SCANNED**

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E dlgl@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195



ORDINARY MEETING

Meeting Date: 24 October 2006

2

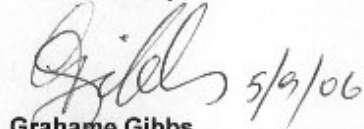
date of this letter. The \$40 fee is as provided in the Freedom of Information (Fees and Charges) Order 1989.

The process is now complete and I have prepared a final cost assessment. I attach this final cost assessment for your consideration.

*Waiver of additional fees payable:*

In keeping with the objects of the Act I have determined to waive the additional amount payable in respect of this application.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Gibbs', followed by the date '5/9/06' written in a similar cursive style.

**Grahame Gibbs**  
**Director, Performance Management & Compliance**



ORDINARY MEETING

Meeting Date: 24 October 2006

3

**Final Cost Assessment**

**Applicant:** Hawkesbury City Council

**Final scope:** Petition header sheets, supporting information sheets and total number of signatures on the petition.

|                         |                               |                |          |
|-------------------------|-------------------------------|----------------|----------|
| Search/Examination:     | 1 hours @ \$30 per hour       | \$ 30.00       |          |
| Counting/Determination: | 3 hours @ \$30 per hour       | \$ 90.00       |          |
|                         | <b>Sub Total:</b>             | \$ 120.00      |          |
|                         | Less: Initial application fee | \$ 30.00       |          |
|                         | Total Due:                    | \$ 90.00       | (WAIVED) |
|                         | <b>Balance Owing:</b>         | <u>\$ 0.00</u> |          |

E & OE

## Say No to Hawkesbury Council's 43% rate rise

### Dear Resident

Hawkesbury Mayor Bart Bassett plans to increase rates by a massive 43%.

This is unacceptable and will severely hurt local residents.

Please help me put pressure on Hawkesbury Council by signing the petition below.

I will ensure the petitions are presented to Kerry Hickey MP, NSW Minister for Local Government.



*Allan Shearan*

Allan Shearan MP  
State Member for Londonderry



Like many local residents, Allan Shearan is opposed to Hawkesbury Council's massive rates hike.

## Sign the Petition • Stop Council's 43% rate rise

To Kerry Hickey MP, Minister for Local Government, Parliament House, Sydney

We the undersigned bring to the attention of Kerry Hickey MP, NSW Minister for Local Government our opposition to Hawkesbury Council's proposed 43% rate increase.

Such a massive rate increase will hurt local residents and force residents to pay for Council economic mismanagement. We urge you to reject Hawkesbury Council's proposed 43% rate increase.

Name (Please print)

Signature

Address

# Fighting the Council's 43% rate increase

Hawkesbury Mayor Bart Bassett and Councillors propose to raise Council rates by a massive 43% over the next 4 years.

Council should be able to better manage its budget and cut waste before demanding such a large rate increase.

Local ratepayers should not have to bear the brunt of Hawkesbury Council's economic mismanagement.

Hawkesbury Council tries to cushion the blow of a pending rate rise of about 43 per cent. By Ruth Hart and Jo Arblaster.

## Five back a rate rise

Hawkesbury Independent 7.2.06

**SIGN THE PETITION OVERLEAF**

## Say No to Hawkesbury Council's 43% rate rise

### Dear Resident

Hawkesbury Councillor Kevin Conolly supports an increase in your rates by a massive 43%.

This is unacceptable and will severely hurt local residents.

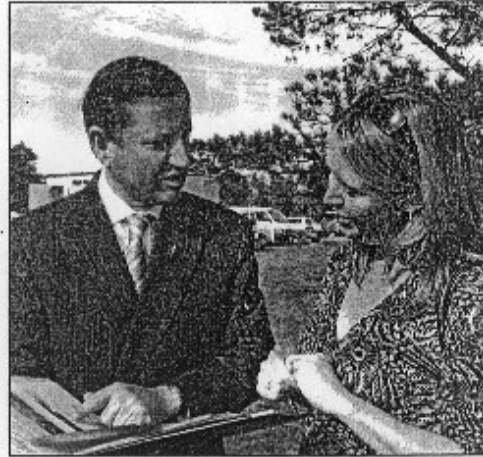
Please help me put pressure on Hawkesbury Council by signing the petition below.

I will ensure the petitions are presented to Kerry Hickey MP, NSW Minister for Local Government.



*John Aquilina*

**John Aquilina MP**  
State Member for Riverstone



Like many local residents, John Aquilina is opposed to Hawkesbury Council's massive rates hike.

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We the undersigned bring to the attention of Kerry Hickey MP, NSW Minister for Local Government, our opposition to Hawkesbury Council's proposed 43% rate increase.

Such a massive rate increase will hurt local residents and force residents to pay for Council's economic mismanagement. We urge you to reject Hawkesbury Council's proposed 43% rate increase.

Name (Please print)

Signature

Address

# Fighting the Council's 43% rate increase

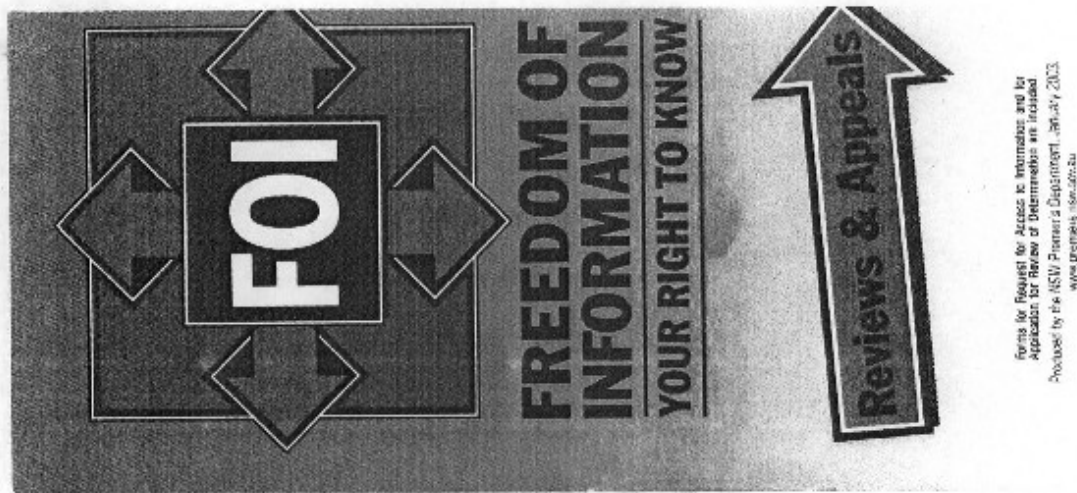
Hawkesbury Councillor Kevin Conolly and fellow Councillors are proposing to raise Council rates by a massive 43% over the next 4 years.

Council should be able to better manage its budget and cut waste before demanding such a large rate increase.

Local ratepayers should not have to bear the brunt of Hawkesbury Council's economic mismanagement.



**SIGN THE PETITION OVERLEAF**



| Request for Access to Information Under The Freedom Of Information Act                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | Application for Review Of Determination Under Freedom of Information Act                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Details of Applicant</b><br>Surname: _____ (Title)<br>Given Names: _____<br>Australian Postal Address: _____<br>Telephone Number(s): _____<br>Facsimile: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | <b>Details of Applicant</b><br>Surname: _____ (Title)<br>Given Names: _____<br>Australian Postal Address: _____<br>Telephone Number(s): _____<br>Facsimile: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| <b>Details of Request</b><br>I request access to document(s) concerning matters which are: _____<br>Please tick in the appropriate box:<br><input type="checkbox"/> Personal <input type="checkbox"/> Non Personal<br>These documents are: _____<br>Name of Agency holding document: _____                                                                                                                                                                                                                                                                                                                                                                                   |  | <b>Details of Determination</b><br>I have submitted an application requesting access to documents in accordance with the Freedom of Information Act.<br>I am unhappy with the determination made by your agency and seek a review of this determination because:<br><input type="checkbox"/> I have been refused access to a document<br><input type="checkbox"/> I have been refused access to part of a document<br><input type="checkbox"/> I have been refused a request to amend a personal document<br><input type="checkbox"/> I have been given access to a document but access has been obtained<br><input type="checkbox"/> I believe I have been charged too much<br><input type="checkbox"/> I am a third party specified in the documents but have not been consulted about giving access to another person<br><input type="checkbox"/> I have been consulted but disagree with a decision to release the documents.<br>You may include additional comments (attach pages if necessary): _____ |  |
| <b>Form of Access</b><br>Please tick in the appropriate box:<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br>I require a copy of the document(s):<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br>I require access in another form:<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br>specify: _____                                                                                                                                                                                                                                                                                                                              |  | <b>Fees</b><br>The agency granted me a 50% reduction in fees and charges when I applied for access to documents.<br>Please tick in the appropriate box:<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br>If yes, there is a \$20 fee.<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br>If no, there is a \$40 fee.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| <b>Fees and Charges</b><br>Attached is a cheque/money order to the amount of \$30 to cover the application fee. I understand that I may be required to pay processing charges in respect of this request and that I will be supplied with a statement of charges if appropriate.<br>Note: in certain cases a 50% reduction in fees and charges may apply. (See the section on fees and charges in the leaflet called "Guidelines for Using FOI")<br>If you consider you are entitled to a reduction, submit a request with copies of supporting documents with this form.<br>Please tick in the appropriate box:<br><input type="checkbox"/> Yes <input type="checkbox"/> No |  | <b>Lodgement of Application</b><br>This application must be addressed to the Principal Officer of the Agency concerned within 28 days of the date of the agency's determination which is the subject of review.<br><b>Advice on Application</b><br>The agency will advise you on its decision to for access within 21 days of receipt of this application (this time may be extended by a further 14 days if special circumstances apply such as a need to consult or to locate old documents).<br><b>Advice on Determination</b><br>The agency will undertake its internal review and advise you of its decision within 14 days of receipt of this application.                                                                                                                                                                                                                                                                                                                                            |  |
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| Applicant's Signature: _____<br>Date: / /                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | Applicant's Signature: _____<br>Date: / /                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |

Forms for Request for Access to Information and for Application for Review of Determinations are included.  
 Produced by the NSW Premier's Department, January 2003.  
 www.premiers.nsw.gov.au



## ORDINARY MEETING

Meeting Date: 24 October 2006

|                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>What is Freedom of Information?</b></p>           | <p>In New South Wales, the Freedom of Information Act 1989 gives you the legal right to:</p> <ul style="list-style-type: none"> <li>• Obtain access to information held by State Government agencies, Government Ministers, local government and other public bodies;</li> <li>• Request amendments to records of a personal nature that are inaccurate; and</li> <li>• Appeal against a decision not to grant access to information or to amend personal records.</li> </ul> <p>This leaflet provides you with information on Reviews and Appeals - what they are, when you should use them and how to use them.</p> <p>For further details on how to access information held by agencies and organisations, see the leaflet called: "Guidelines For Using FOI in NSW".</p>                                                                                                                                                                                                                                                                            | <p><b>What will happen with my request for a Review?</b></p> <p>Someone senior to the person who made the original decision on your FOI application will look at your review application. Within 14 days you will be advised on the outcome of the review.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p><b>When should I appeal to the Administrative Tribunal (ADT)?</b></p> <p>You must lodge your appeal within 80 days of the agency's decision on your request for internal review or within 60 days of being advised on the Ombudsman's decision.</p> <p>The ADT may:</p> <ul style="list-style-type: none"> <li>• Confirm the agency or Minister's original decision;</li> <li>• Disallow that decision and make another decision; or</li> <li>• Pass the matter back to the agency or Minister to be dealt with as directed by the Tribunal.</li> </ul> <p>The ADT does not have the power to determine that access can be given to exempt document. (Exempt documents are covered in the leaflet called: "Guidelines For Using FOI in NSW").</p> |
| <p><b>What will it cost me to ask for a Review?</b></p> | <p>Your review application fee will be \$40 but there are no processing charges. In addition, your application fee may be refunded if the original decision is significantly altered. If you received a reduction on your original application, the application fee for an internal review will be only \$20.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><b>Can the Ombudsman assist me?</b></p> <p>If you have already sought an internal review and are unhappy with the result, the NSW State Ombudsman may act on your behalf where, for example, an agency:</p> <ul style="list-style-type: none"> <li>• Takes an unreasonable time to process your FOI request;</li> <li>• Imposes an unreasonable charge for access to information; or</li> <li>• Refuses to give you access to information that is not exempt.</li> </ul> <p>Although the Ombudsman is able to investigate your complaint, he cannot change or reverse a decision. He can recommend that:</p> <ul style="list-style-type: none"> <li>• It is in the public interest to give access to a document which has been refused as exempt;</li> <li>• The decision of an agency be reconsidered;</li> <li>• Action be taken to change the agency's conduct;</li> <li>• Reasons be given for a decision; or</li> <li>• The law or practice be changed.</li> </ul> <p>The Ombudsman cannot deal with matters:</p> <ul style="list-style-type: none"> <li>• Which are before the ADT;</li> <li>• Where the information has been made exempt by a Ministerial Certificate;</li> <li>• Where a request has been made for access to, or amendment of, a Minister's records;</li> <li>• Where the applicant has complained to the Ombudsman under the Ombudsman Act about an agency and the Ombudsman previously has examined the information in relation to that investigation; and</li> <li>• Where the Ombudsman has made a decision under the FOI Act.</li> </ul> <p>No fees are payable for a review by the Ombudsman.</p> | <p><b>Will it cost me anything to appeal to the ADT?</b></p> <p>You may be required to meet the costs involved in taking your appeal to the ADT. Contact the Registrar on Telephone (02) 4677 for advice on appeal fees.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>What is an Internal Review?</b></p>               | <p>If you are unhappy with a decision made by an agency on your FOI request, or, if no decision has been made, you are entitled to ask for an internal review by that agency within 28 days of being advised of the agency's determination or 49 days from applying where no decision has been made. You may do this if:</p> <ul style="list-style-type: none"> <li>• You have been refused access to a document;</li> <li>• You have been refused access to part of a document;</li> <li>• You have been refused a request to amend a personal document;</li> <li>• You believe you have been charged too much;</li> <li>• You have been given access to a document but access has been deferred;</li> <li>• You are a third party specified in the documents but have not been consulted about giving access to another person; or</li> <li>• You have been consulted, but disagree with a decision to release the documents.</li> </ul> <p>An internal review is not available on requests for access to, or amendment of, a Minister's records.</p> | <p><b>Who can help me with more information or if I have any problems understanding FOI?</b></p> <p>Most Government Agencies have an FOI officer who can help you with your queries. If you are unsure about the agency concerned, contact the Government Information Service on (02) 9743 7200. Toll Free (NSW Country) 1800 483 955 or Fax (02) 9743 7124 or the Premier's Department FOI Hotline on (02) 9228 4441 or Fax (02) 9228 4421. Information about FOI forms and the Premier's Department FOI Procedures Manual is available on the internet by visiting <a href="http://www.premiers.nsw.gov.au">www.premiers.nsw.gov.au</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p><b>How do I ask for an Internal Review?</b></p> <p>Applications for internal review should be made using an FOI review form or in a letter. Enclose the \$40 application fee.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

0000 END OF REPORT 0000

## ORDINARY MEETING

Meeting Date: 24 October 2006

**Item: 260**      **ES - Review of Determination - Application to Install a Manufactured Home and Associated Structure on Site 20, Hawkesbury Riverside Retreat, Lot 1 DP862897, 78 Greens Road, Lower Portland - (95494, 37357)**

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### Development Information

|                                  |                                  |
|----------------------------------|----------------------------------|
| <b>Applicant:</b>                | Mr Matthew Newson                |
| <b>Applicants Rep:</b>           | Mr David Hooker                  |
| <b>Owner:</b>                    | Hawkesbury Riverside Retreat Ltd |
| <b>Park Approval to Operate:</b> | VANPK0001/05                     |
| <b>Date Received:</b>            | 16 May 2006                      |
| <b>Recommendation:</b>           | Approval                         |

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### REPORT:

#### Introduction

The application seeks approval to install a manufactured home and associated structure, a timber deck, on the western side of the site and to demolish an illegal structure (existing shack) in the north eastern corner of the site. This report details the relevant matters. A full assessment of the proposal is on file.

#### Background

The application, under Section 68 of the Local Government Act 1993 was lodged on 16 May 2006. Additional information from the applicant was sought on 25 May 2006 and a reply was received on 31 May, however the information was insufficient. A further request for information (site survey) was sent on 27 June 2006.

The Applicant brought proceedings in the Land & Environment Court on 28 July 2006 for deemed refusal of the application. The information requested by Council on 27 June 2006 was supplied on 26 July 2006. The application was assessed and a refusal was issued on 17 August 2006. Further information relating to the reasons for refusal was not sought from the applicant due to the court proceedings instigated by the applicant.

A request has been received under s100 of the Local Government Act 1993 for a review of the determination (refusal) of the application. As the Acting Director External Services issued the determination the Council must conduct the review.

Amended plans have been lodged with the request of review. The caravan park owners Hawkesbury Riverside Retreat Ltd have approved these.

#### Statutory Situation

The subject site, Site 20, is located in the south eastern corner of Hawkesbury Riverside Retreat Caravan Park at 78 Greens Road, Lower Portland. A current Approval to Operate a Caravan Park is in operation on the site.

***Relevant clauses from the Local Government Act 1993 and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005:***

Definition: Manufactured Home  
Clause 141 Carports



## ORDINARY MEETING

Meeting Date: 24 October 2006

### Assessment

The application was refused for the following reasons:

1. Pursuant to the provisions of Section 141 (1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005 the carport roof covering is combustible.
2. Pursuant to the provisions of Section 141 (3) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005 the carport provides direct vertical support to the relocatable home.
3. Pursuant to the provisions defined in the Local Government Act 1993, a "manufactured home" means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities). The proposed manufactured home does not include a kitchen and therefore does not constitute a manufactured home.

The amended plans submitted with the request for a review of the determination have addressed the reasons for refusal by:

- Adding kitchen facilities to the manufactured home
- Removing the carport from the application (there is sufficient car parking at the front of the site).

### Conditions of Approval

#### *General*

4. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
5. The structures are to be installed on Site 20 only and this approval is not to be construed as allowing the installation on any other site or location in the caravan park.

#### *Prior to Commencement of Works*

6. Certification is to be submitted to Council by a practicing Structural Engineer certifying that the earth bank located below the connection point of the manufactured home and the decking is structurally adequate for the proposed works or provide plans and specifications completed by a practicing Structural Engineer of an adequate support structure to retain the bank.
7. The deck shall be designed by a practicing Structural Engineer to ensure the construction is suitable to carry excessive loading created by numerous persons using the deck (i.e. gathering, party, etc). A copy of the certified design shall be provided to Council prior to commencement of works.
8. A structural engineers certificate is to be submitted to Council certifying that the manufactured home, timber deck and roof over the deck are structurally sound and have been designed and certified to resist loads as set out in Clauses 143 & 144 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
9. A structural engineers certificate is to be submitted to Council certifying that the manufactured home and timber deck are to be installed in accordance with the Barry Smith Bateman & Associates Pty Ltd Consulting Civil and Structural Engineers Report and Associated Drawings dated 18 August 1997.

## ORDINARY MEETING

Meeting Date: 24 October 2006

### ***During Construction***

10. Site and building works are not to commence prior to the information required under 'Prior to Commencement of Works' being submitted to Council.
11. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am - 6pm and on Saturdays between 8am - 4pm.
12. The manufactured home and outdoor sink are to be connected to the park's potable water supply.
13. The manufactured home and outdoor sink are to be connected to the park's on-site sewage management facilities.
14. All downpipes are to be connected to the park's stormwater drainage system.
15. The dwelling site must be supplied with electricity from a reticulated electricity service.
16. The manufactured home is to be designed and constructed in accordance with the requirements of Division 4, Subdivision 3 'Construction', of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
17. Compliance plates are to be attached to the manufactured home in accordance with Clause 159 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
18. Balustrading, designed and installed in accordance with the Building Code of Australia is to be placed on the perimeter of the deck.
19. The manufactured home, deck and roof over the deck are to be installed in accordance with the manufacturers specifications and the structural engineer's certificate.
20. The manufactured home, timber deck and roof supports are to be of a dark timber finish or painted in natural, dark coloured earthy tones.
21. The timber deck is not to be enclosed or partially enclosed without the prior consent of Council, except by the provision of balustrading as specified in Condition 15. This applies to the area above and below the deck.
22. The deck and roof over are to be constructed and maintained to withstand a minimum wind loading of 41metres per second.
23. The material from the demolition of the existing structure on the site is to be removed from the site and disposed of at a licensed waste facility. Disposal receipts are to be kept and made available for inspection by Council officers if requested.
24. Any dangerous or hazardous materials identified in the demolition of the structure shall be removed in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).

### ***The Use of the Site***

25. Within 7 days of the completion of the installation Hawkesbury Riverside Retreat must provide written notification to Council that the works are complete.

The notice:

- (a) must indicate the site identifier of the dwelling site on which the installation has occurred, and

## ORDINARY MEETING

Meeting Date: 24 October 2006

- (b) must include the particulars contained on the compliance plate relating to the manufactured home.

The notice must also be accompanied by:

- (a) a copy of the structural engineer's certificate for the manufactured home, deck and roof over the deck, certifying that the manufactured home and timber deck are structurally sound, having regard to flooding and other considerations, and have been designed to resist loads as set out in Clauses 143 & 144 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

and

- (b) a fully dimensional diagram of the dwelling site on which the structures have been installed, sufficient to indicate whether or not the setback, density, open space, heights (AHD) and site delineation requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 have been complied with.

- 26. No internal or external alterations shall be carried out without prior approval of Council
- 27. The sub floor area under the deck shall not be occupied for human habitation/residential, industrial or commercial purposes and is not to be used as carport.

### Conclusion

The amended plans submitted with the review request comply with the requirements of the Local Government Act 1993, the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 and the Approval to Operate a Caravan Park issued to Hawkesbury Riverside Retreat Ltd.

### Conformance to the Strategic plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

*"Investigating and planning the City's future in consultation with our community, and co-ordinating human and financial resources to achieve this future."*

### Funding

No impact on budget.

### RECOMMENDATION:

That the application to install a Manufactured Home and Associated Structure on Site 20, Hawkesbury Riverside Retreat, Lot 1 DP862897, 78 Greens Road, and Lower Portland be approved, pursuant to the amended plans and subject to conditions.

### ATTACHMENTS:

- AT - 1 Locality Plan - Hawkesbury Riverside Retreat Community Map
- AT - 2 Site Plan
- AT - 3 Elevations

**Meeting Date:** 24 October 2006

# ORDINARY MEETING

Meeting Date: 24 October 2006

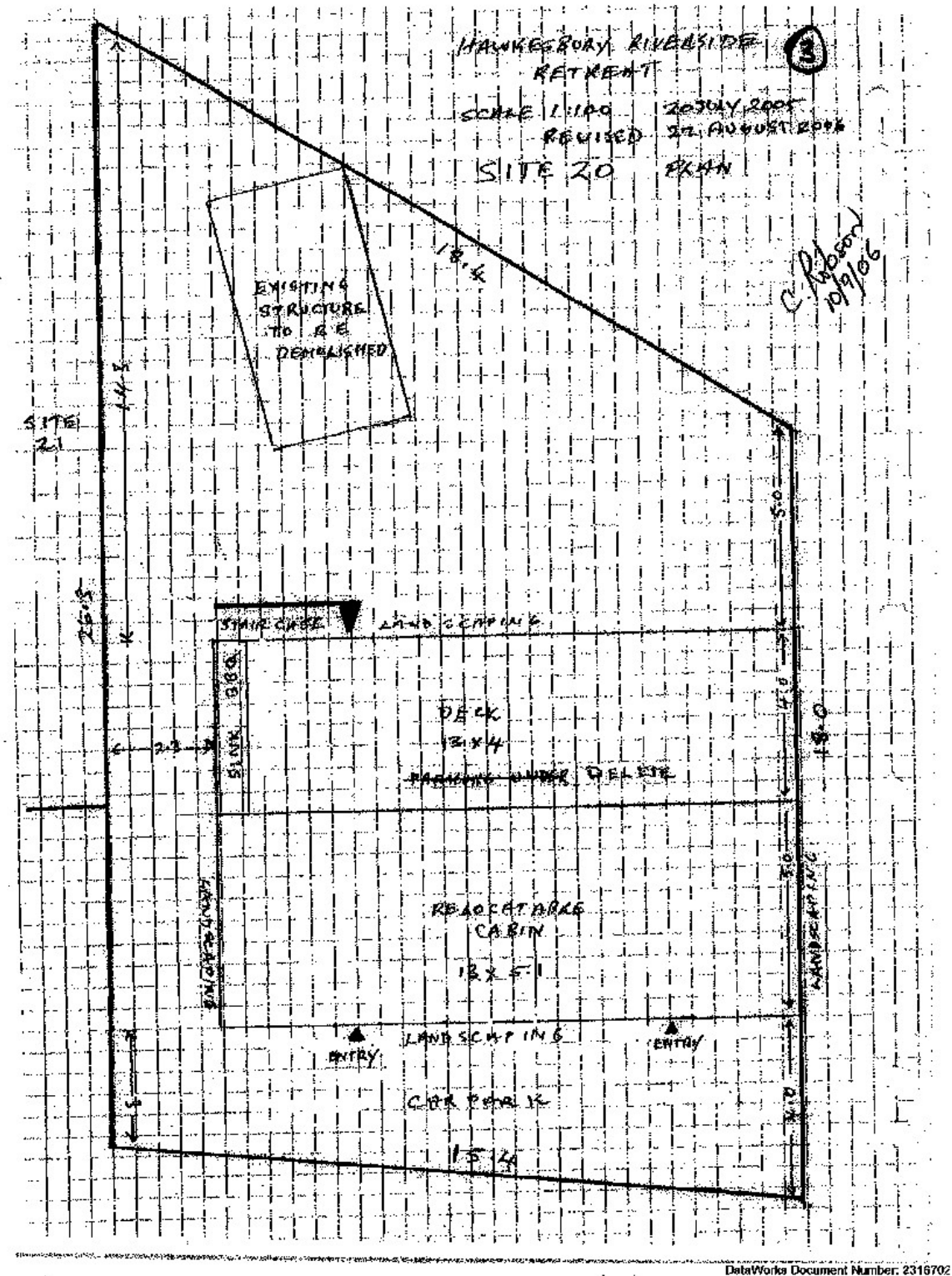
## AT - 2 Site Plan

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HOLROYD SCHOOL

FAX No. 96371219

P. 005



**Meeting Date:** 24 October 2006

P. 004



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**ORDINARY MEETING**

**Meeting Date:** 24 October 2006



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meeting

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