



11:35 AM
31 October 2006
Ref: OTC 348A

Your Reference: 05.9089.B - 41359

Mr Rance Salan
Group Manager
Development and Natural Resources
Eurobodalla Shire Council
PO Box 99
Moruya
NSW 2537

Good morning Rance,

Thank you for your response, which was received at our office on 19th October, to our letter to the General Manager sent from our office on the 5th October, 2006. Your response raises a number of concerns which I will attempt to address.

1. We accept that you are the authority, however, even authorities usually justify their decisions, in this case we were asking why it was not considered similar. Mr Elik Kloczko said he could not accept it because it was "cheap and homemade", which sounds like a recommendation, not a reason for refusal. We also asked for council to recommend an accepted similar council approved product as we could not find one on the market or, for the council to direct us to use a product which we know to have problems and thereby take responsibility for their demands.
2. You have said that the "guttering proposed does not meet the bushfire requirements as contained in AS3959-1999 "Construction of Buildings in Bushfire Prone Areas" or self-cleaning provisions..." etc and further "...provides that new residential development in bushfire prone areas are also required to have special leaf guards..." etc. However the development is not in a Bush Fire Prone Zone as far as we can ascertain from the Property Information Sheet supplied by the council (copy attached) nor is there any mention of this zoning in the DA approval. With this in mind it is hard to see the relevance of your statements or the point.
3. Could you please supply us with the relevant documentation that you supplied with our proposal to the CUPDR for their consideration and their response and reasons that our system, as presented by you, was not accepted.
4. We have been given to understand that it is council policy to reply to all technical matters in writing. We may have got this idea from the prominent notice on the counter in the council foyer which reads, in part, " It is in the interests of the enquirer to obtain a written determination before making decisions...." (copy attached).

We originally wrote to Mr. Scholze on 16th August and when we enquired as to the progress of the matter on the 21st August he responded that he hadn't even read the

letter at that stage. We wrote again on the 4th September and once again have received no response. The responses that we have received, at our instigation, have all been verbal, unhelpful and no effort has been made to respond and/or resolve the problem, but I guess you'll just have to take our word of that as we have nothing in writing to back up our claim.

5. We believe your comments have clarified nothing in regards to the issues at hand, in fact they have only added to the muddiness and, in a funny way, have really helped to illustrate the ongoing problems we find in our dealings with council.

6. We now formally and politely request that you respond in writing to the following concerns;

We have found that the leaf eater system is an inappropriate system in this circumstance and request advise on a suitable "similar" system that the council would recommend. We are unaware of any bushfire zone that is applicable to this location and no such zoning is apparent on council records and advice. Could you please advise us on whether the house is bush fire zoned and, accordingly, whether the present guttering system is sufficient.

Is the council now prepared to sign off on this development so that we can get the final certificate and paid for the work completed.

Will you be changing the sign on the counter to better reflect the council's position on the subject of technical advice given by council officers.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Michael Johnson', with a long horizontal line extending to the right.

Michael Johnson
One Tree Constructions

Cc Jim Levy General Manager