



FENCING MATTERS.
LN: 18879

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| TWEED SHIRE COUNCIL | |
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| ASSIGNED TO: | MCGAVIN, L |
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Our Reference: 0346

12th January 2010

The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Attention: Mr. Lindsay McGavin

Dear Sir,

Response to Council Letter
Fencing on Lot 156 in DP 628026, Creek Street, Hastings Point

We refer to the above matter and advise that we act on behalf of the landowner, Walter Elliot Holdings, with respect to this matter.

We have reviewed Council's letter and advise that it is our understanding that the fencing in question has been erected by the landowners caretaker for the purposes of property protection and security as it has been apparent that unauthorised access on to our client's land from adjoining properties has been occurring. The latter is perhaps best demonstrated by the clear access paths and evidence of recreational use of the adjacent estuarine mangrove areas. Furthermore, it is evident that many of the adjacent dwelling houses have constructed gate facilities in order to achieve easier access over our clients land presumably in order to gain access to the water where there is evidence of damage to the Mangroves.

We note Council's comments in respect of the fencing requiring development consent, however we note also that Council has approved a dwelling house upon the subject land and that as such the erection of fencing is considered ancillary to this approved development and entirely consistent with the need to provide security to same. This is particular relevant to where the land is zoned 2(e) under the current LEP within which dwelling houses are permissible. In this regard we do not believe that consent is necessary for those areas zoned 2(e). It is agreed however that as the exempt and complying provisions within the SEPP do not apply to the lands located in the 7(a) zone, that consent is required for fencing in these areas. To this end, a development application will be prepared and submitted to the Council within 8 weeks of this date, being sufficient period in which to prepare such materials. It would be greatly appreciated of Council could confirm its acceptance of these terms in the first instance.

If you have any further questions regarding this matter, please contact our office on (02) 6674 5001.

Yours sincerely

Adam Smith
Director

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