

URGENT

Ref: 4252034\DAL:HS-0508299
19 May 2005

The General Manager
Narrabri Shire Council
PO Box 261
NARRABRI NSW 2390

FAKED
19/5/05

Norman Waterhouse
Lawyers

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ATTENTION: GRAHAM PATHUIS

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Dear Sirs

Development Application No. 179/2005 - Subdivide 2 lots into 9 lots
Premises: Lot 103 DP822977 and Lots 102 DP1017743
“Currawidgen”, Maules Creek Road, Narrabri

We refer to your letter of notification of the above DA dated **9 May 2005**. We act on behalf of Ecrofen Pty Ltd (Mr and Mrs Jack Warnock), owners of adjoining land to the above site. In accordance with your letter, our client wishes to make a submission in relation to the above development application, a copy of which is **enclosed**.

In addition to the submissions raised by Mr Ian Sinclair of Edge Land Planning, we wish to object to the above development application as the granting of consent would be, in our opinion, so unreasonable (in accordance with the decision of *Associated Provincial Picture Houses Limited v Wednesbury Corporation* [1948] 1 KB 223) as to be the subject of successful litigation against the consent by an adjoining agricultural owner. Such a consent would affect, not only the agricultural potential of the subject land but would have a serious impact on agriculture production of the crops on our clients' land.

We also object to the development application for the reasons as contained within the **enclosed** submission from Mr Ian Sinclair.



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Should you wish to discuss this matter further, please do not hesitate to contact our office.

Yours faithfully

NORMAN WATERHOUSE



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PARTNER / Associate

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Encl