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**Re: AGM 2011 Motion – Smoke By-Law**

Dear Clive

Please accept my sincere apology for not responding to your correspondence of the 19<sup>th</sup> of January. I was on leave at the time and on my return have somehow missed replying, I am sorry for my oversight.

As I explained in my previous correspondence Council cannot proceed with your request for the creation of a by-law to control burning on land which has an area in excess of 2000m<sup>2</sup>. Unfortunately I believe the same situation exists in relation to the creation of a smoke by-law. From discussion with Council's solicitor it seems this would still be considered inconsistent. Regardless of the legality of such a by-law, based on previous discussions with Councillors, I do not believe they are willing to support such a move, at this time.

Clearly this issue is not an isolated one and with all due respect, I once again suggest that the most appropriate manner in which to address your concerns, is through changes to State Legislation.

Yours faithfully



Rolph Vos  
Development Services Manager